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STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD  
BOARD MEETING

JOE SERNA JR., CAL EPA BUILDING  
CENTRAL VALLEY AUDITORIUM  
1001 I STREET, SECOND FLOOR  
SACRAMENTO, CALIFORNIA

TUESDAY, AUGUST 20, 2002

9:35 A.M.

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License Number 8751

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

A P P E A R A N C E S

BOARD MEMBERS PRESENT:

LINDA MOULTON-PATTERSON, Chair  
DAN EATON  
STEVEN R. JONES  
JOSE MEDINA  
MICHAEL PAPARIAN  
DAVID A. ROBERTI

STAFF PRESENT:

MARK LEARY, Executive Director  
KATHRYN TOBIAS, Chief Legal Counsel  
JULIE NAUMAN, Interim Chief Deputy Director  
ELLIOT BLOCK, Legal Counsel  
DEBORAH MCKEE, Board Assistant  
YVONNE VILLA, Board Secretary  
EDNA WALZ, Office of Attorney General

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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

1 P R O C E E D I N G S

2 --oOo--

3 BOARD CHAIR MOULTON-PATTERSON: Good morning,  
4 and welcome to our August meeting of the California  
5 Integrated Management Waste Board.

6 And I just would like to have the secretary  
7 please call the roll.

8 BOARD SECRETARY VILLA: Eaton?

9 BOARD MEMBER EATON: Here.

10 BOARD SECRETARY VILLA: Jones?

11 BOARD MEMBER JONES: Here.

12 BOARD SECRETARY VILLA: Medina?

13 BOARD CHAIR MEDINA: Here.

14 BOARD SECRETARY VILLA: Paparian?

15 BOARD MEMBER PAPARIAN: Here.

16 BOARD SECRETARY VILLA: Roberti?

17 BOARD MEMBER ROBERTI: Here.

18 BOARD SECRETARY VILLA: Moulton-Patterson?

19 BOARD CHAIR MOULTON-PATTERSON: Here.

20 And I'd like everyone to rise and join me in  
21 the pledge of allegiance.

22 (Thereupon the Pledge of Allegiance was  
23 recited.)

24 BOARD CHAIR MOULTON-PATTERSON: Thank you very  
25 much.

1           And we'll start with Mr. Eaton. Do you have  
2 any ex-parte?

3           BOARD MEMBER EATON: I'm up to date, Madam  
4 Chair. Thank you.

5           BOARD CHAIR MOULTON-PATTERSON: Mr. Jones.

6           BOARD MEMBER JONES: Up to date.

7           BOARD CHAIR MOULTON-PATTERSON: I'm up to date.  
8 Mr. Medina.

9           BOARD MEMBER MEDINA: I'm up to date.

10          BOARD CHAIR MOULTON-PATTERSON: Mr. Paparian.

11          BOARD MEMBER PAPARIAN: I'm up to date.

12          BOARD CHAIR MOULTON-PATTERSON: And Senator  
13 Roberti.

14          BOARD MEMBER ROBERTI: I'm up to date. Thank  
15 you.

16          BOARD CHAIR MOULTON-PATTERSON: Okay. And at  
17 this time I, before we go into our opening remarks, I  
18 just wanted to say a quick thing. We have a lot going  
19 on today, but this is a sad day for our office because  
20 Yvonne Villa, this is her last Board meeting, and she is  
21 moving on to none other than the DOC.

22          But we wish Yvonne, this is a real opportunity  
23 for her, and we just wish her the best. She's just been  
24 invaluable to me and our entire office.

25          And Yvonne, you're going to be missed, but we

1 would never want to hold you back from an opportunity.  
2 So thank you for all you've done for my office and for  
3 the entire Board. We are really going to miss you, and  
4 if everybody would join me in giving Yvonne a hand.

5 (APPLAUSE.)

6 BOARD CHAIR MOULTON-PATTERSON: Okay. And we  
7 have a really, really special privilege today. And it  
8 is just an honor to have Senator Sher here.

9 And Senator Sher, I would like to call you  
10 forward, and we just appreciate so much you coming to  
11 us. And I know you're coming for a very, very special  
12 reason.

13 So would you join us?

14 SENATOR SHER: Well good morning, everyone.  
15 It's my great pleasure to join this distinguished Waste  
16 Management Board and members of the audience.

17 I am here to, it's my great pleasure and  
18 privilege to honor one of your members for whom I have  
19 the highest regard, my good friend and former colleague  
20 in the state legislature, David Roberti.

21 David, you're going to desert us here and we're  
22 sad about that. But I'm here on behalf of myself and my  
23 colleagues in the State Senate to pay tribute, to do  
24 something I think many times you have done in honoring  
25 others, to present you with a resolution commending you

1 for your tremendous service to the State of California  
2 in the legislature on this Board and otherwise.

3           And I'm just going to mention a few highlights  
4 that are stated in this resolution. The resolution  
5 points out, first, that you've set a number of records.  
6 First for your twenty-eight years in the state  
7 legislature, your thirteen years as President Pro Tem of  
8 the leader of the Senate, those are records that will  
9 never be equaled again. We think of you, David, as the,  
10 kind of the Barry Bonds of the state legislature.

11           The resolution goes onto point out that while  
12 you were in the legislature you were a leader in  
13 championing many environmental issues, including the  
14 phaseout of the ozone depleting CFC's, the reduction of  
15 toxic materials and hazardous waste, protecting our  
16 drinking water, and dealing with the offshore drilling  
17 problem.

18           The resolution also points out that you were  
19 instrumental in an issue that I was involved with,  
20 Assembly Bill 939 which I authored, but which would  
21 never have passed the legislature or been signed by the  
22 Governor, David, without your direct involvement.

23           We know that that was quite a challenge during  
24 a period where the legislature's majority was  
25 democratic, but we, Governor Deukmejian, a Republican



1 Governor, but together, and only with your help, were we  
2 able to enact that law which reconstituted this Board in  
3 its present form.

4 On the Board, of course, you have been a leader  
5 and a staunch supporter of many important initiatives.  
6 And I'm particularly grateful to you for your leadership  
7 on recognizing the importance of those who develop  
8 products and packaging to be responsible for them, as  
9 well as for the consumers who consume these products.

10 We have a little bill actually pending over in  
11 the legislature now dealing with electronic wastes.  
12 And, once again, David and other members of the Board  
13 have been very helpful to me in moving that as far as it  
14 has moved. We've got a week and a half to complete the  
15 job.

16 David, we know you're going onto teach in  
17 Southern California. We have a common bond there since  
18 for many years I taught, and I know you're going to  
19 enjoy teaching political science; and also reengaging in  
20 your law practice, moving back to your original home.

21 And I can only say that for myself and my  
22 colleagues and the State Senate, as well as the  
23 Assembly, that we wish you well in those endeavors. We  
24 know that you will never be finished with public service  
25 because it's deeply ingrained in your character.

1           So as you go forward in about two weeks we wish  
2 you the best. We're grateful for having known you and  
3 for the help that you have given all of us, so we say  
4 hail and fair well, David.

5           (APPLAUSE.)

6           BOARD MEMBER ROBERTI: Thank you very much,  
7 Byron. I've received many resolutions in the course of  
8 30-plus years, I hate to recount them all. But this one  
9 touches me about as much as any could, that you would  
10 come over.

11          And you are the father of the Waste Board, Mr.  
12 Garbage, Mr. Garbage as we affectionately think of you.

13          SENATOR SHER: The grandfather.

14          BOARD MEMBER ROBERTI: No, the grandfather of  
15 the Waste Board, truly you are. And therefore, to  
16 receive the resolution from you is a, is a real  
17 highlight, and one which I will never forget.

18          Just a couple of points. It's sort of  
19 nostalgic for me today, because not only am I leaving  
20 the Board, which I have enjoyed thoroughly, but this is  
21 like 35 years in Sacramento, I'm selling my house and,  
22 you know, I'm going to be a full-time resident of Los  
23 Angeles. And my wife and I are saying we're going to  
24 have to adjust, you know. It's been a marriage of 50  
25 percent together, 50 percent apart. And so this is like

1 bachelors and bachelorettes, whatever the word is,  
2 getting to know each other again.

3           Byron and I negotiated with Governor Deukmejian  
4 939. For all of you who are interested in conflict of  
5 interest, little did I know at that time that I was  
6 going to be a member of the Board.

7           And we were busy negotiating terms, including  
8 how much time some of Governor Deukmejian's probable  
9 staff people were going to be having on the Board, and  
10 they've served admirably on this Board.

11           This Board is truly one that has constituted  
12 with a great staff to perform great deeds in reducing  
13 California's waste. But nobody in the state deserves  
14 the environmental award, the environmental kudos more  
15 than Senator Sher.

16           When he was in the legislature he was in the  
17 forefront of fighting for the environment, reducing  
18 waste.

19           When people laughed about the issue, he  
20 withstood the jeers and stayed steadfast.

21           And frankly, in so many ways, many of which we  
22 don't even know, he protects this Board and its mission  
23 in Sacramento. And I guess for that we thank you the  
24 most.

25           So to receive this resolution from you is truly

1 touching and very meaningful and thank you very much.

2 (APPLAUSE.)

3 BOARD CHAIR MOULTON-PATTERSON: With that, I  
4 understand that the Senator has really rolled up his  
5 sleeves and pitched in since arriving at the Board.

6 In fact, we have a short video of some of his  
7 volunteer work in Southern California. Let's take a  
8 look.

9 (Thereupon there was a video presentation.)

10 (APPLAUSE.)

11 BOARD CHAIR MOULTON-PATTERSON: How long did  
12 that tattoo last, Senator?

13 BOARD MEMBER ROBERTI: It lasted three  
14 blithering weeks.

15 Jill Jones, I -- where is she? I don't know if  
16 she's here. It was her big idea, and I want to be a  
17 good sport, now how do I explain to my wife, who is  
18 already going to have to get used to my living with her  
19 more often, that I found this tattoo? It took three  
20 weeks to take off.

21 So if you ever get a henna tattoo, and I don't  
22 suggest that you run out and get one, plan on three  
23 weeks.

24 BOARD CHAIR MOULTON-PATTERSON: Okay. Well  
25 that was quite a good sport.

1           And I know all of the Board members wanted to  
2 say a few things, and so we're going to do that now.

3           And I'm going to start with Mr. Eaton.

4           BOARD MEMBER EATON: Well, I too share that  
5 sort of happy sad moment today, because I feel fortunate  
6 that I've known David Roberti for a long, long time,  
7 both from the early days of Los Angeles politics, and  
8 somehow our roads were always criss crossing. And  
9 finally we were able to join up on the same road because  
10 there was an unspoken word that Assembly staff people  
11 never really got the advantage of term limits overall.

12           But I think there's a couple of things, and I  
13 would like to correct Senator Sher only on one point. I  
14 think rather than Barry Bonds, we probably should have  
15 named you the Los Angeles Dodgers knowing the sort of,  
16 you know, bias towards the south. So you can insert  
17 whoever you want with that.

18           But David, a lot of things can be said, but the  
19 one thing is, whether it's a dot on the map or really a  
20 place, wherever you've gone you've always left your  
21 mark. And to me that is a sign of someone who really  
22 has dedicated their life to furthering other people's  
23 lives.

24           Whether or not you ever agreed with people all  
25 the time, you always did try and did succeed, not only

1    tried but succeeded in moving that goal toward a common  
2    road. And for that I think everyone who's ever known  
3    you or come across you should owe you a bit of  
4    gratitude.

5                So good luck.

6                BOARD CHAIR MOULTON-PATTERSON: Thank you,  
7    Danny.

8                Steve.

9                BOARD MEMBER JONES: Thank you, Linda. I have  
10   a special affection for the Senator. We have been on  
11   the opposite ends of an awful lot of issues, but somehow  
12   he and I always seemed to figure out a way to make it  
13   work, and I'm not going to quote him so I'll just leave  
14   it at that time. But we did an awful lot of good work.

15               And sometimes it's hard to, for a lot of people  
16   to imagine the conversations that he and I have had,  
17   they are not always about garbage or recycling, they've  
18   been about a whole lot of different things, and I think  
19   the fact that I worked for a garbage company that was  
20   all Italian for about 25 years he felt some kind of a  
21   connection there.

22               If the chair would allow me, some issues that I  
23   don't plan to go into came up, but I have a gift for the  
24   Senator that I would like to present if it's okay?

25               BOARD CHAIR MOULTON-PATTERSON: Certainly.

1           BOARD MEMBER JONES: As the senior member of  
2 this Board I have served with an awful lot of different,  
3 different people, all of which I have truly enjoyed.

4           I have enjoyed immensely working with you,  
5 because you challenge me and I think I challenge you.  
6 And we both are hardheads. And for those of you who  
7 don't know Italian, we're both testones. Testone is the  
8 Genovasan word for a hardhead.

9           We, I went out with my team, who also has a lot  
10 of respect for the Senator, and we got something a  
11 little different than just sentiments. We got something  
12 that we hope that you will find a place for. And  
13 because sometimes we're put in a position so we can't  
14 always say what we want, I was able to say what I wanted  
15 on this.

16           And it says, "To my friend and colleague,  
17 Senator David Roberti. I've enjoyed our four years  
18 working together at the CIWMB. Best wishes, your  
19 Friend, Steve Jones."

20           BOARD MEMBER ROBERTI: Thank you very much,  
21 Steve.

22           BOARD MEMBER JONES: I also, so you remember  
23 Jeannine, if you choose to use this as a candy dish,  
24 believe me, he spent a lot of time down at our cubicle,  
25 there is some candy that she went out and bought special

1 for you. But you can use this any way you like.

2 BOARD MEMBER ROBERTI: Thank you very much.

3 (APPLAUSE.)

4 BOARD MEMBER ROBERTI: Thank you very much. In  
5 Genovase it's testone, and in my father's dialect,  
6 Calabrese, it's testadura which means stubborn or  
7 hardhead.

8 Thank you very much. And this is very, very  
9 nice.

10 And to Jeannine, thank you for supplying me  
11 with candy. If you want to send the bill for a thousand  
12 dollars I'll try to pay it back.

13 So this is very, very touching, thank you.

14 Steve mentioned, I didn't know until I came on  
15 the Board, well I knew a little bit but I didn't really  
16 know the extent of it. In Southern California, as Mike  
17 Paparian knows, Armenians dominate the trash and  
18 disposal industry, but much to my surprise, in Northern  
19 California the Italians dominate it. And a lot of other  
20 people are involved too.

21 But it was just interesting, and it was  
22 interesting how somebody with the name of Jones claims  
23 any Italian antecedents. But I think his wife had  
24 something to do with it.

25 Thank you.



1 BOARD CHAIR MOULTON-PATTERSON: Okay. Mr.  
2 Medina.

3 BOARD MEMBER MEDINA: Well Senator, it's been a  
4 real pleasure working with you. As someone coming from  
5 San Francisco where we have the highest regard for the  
6 political process, I was once, there were these  
7 billboards up on Highway 80 once that said, "John  
8 Burton, a professional politician."

9 And so one of the reporters asked me, "How do  
10 you react to that billboard?"

11 And I said, "Well, in San Francisco we don't  
12 allow amateurs in the political process."

13 And so there was always a healthy dose of  
14 respect and admiration for the Senator, because of his  
15 many years of dedicated public service.

16 And so I just feel very privileged to have had  
17 the opportunity to work with the Senator on this Board,  
18 it's a very important Board, a very important  
19 contribution to the environment, to public health. And  
20 as a new Board member it was very helpful for me to have  
21 served on this Board and to hear the Senator debate the  
22 various aspects of public policies.

23 So I will miss you very much, Senator. And  
24 thank you for everything that you've done for this  
25 Board, and especially a thank you from me for having

1 been able to work with you. And I wish you all the  
2 best.

3 The video should actually conclude, "And onto  
4 the future for the Senator."

5 BOARD MEMBER ROBERTI: There you go.

6 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
7 Medina.

8 Mr. Paparian.

9 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

10 What some folks here know about but most people  
11 probably don't is that Senator Roberti actually helped  
12 push me into the waste related area back around 1980  
13 when he appointed me as a member of the State Hazardous  
14 Waste Management Council, which at the time was looking  
15 into issues involving landfills and incineration and  
16 recycling of hazardous waste. At the time there was a  
17 perception there was going to be a huge crisis of  
18 capacity in dealing with hazardous waste. And we did  
19 our job, we produced some really good recommendations  
20 which were implemented.

21 What you probably don't know is the process in  
22 between. John Cupps can attest to this a little bit.  
23 We had to, it was necessary for us to take a couple of  
24 trips to Europe in order to investigate what was going  
25 on there, and --

1 BOARD MEMBER ROBERTI: The good old days.

2 BOARD MEMBER PAPARIAN: Yeah. And I'll tell  
3 you about the Schnapps experience a little bit later.

4 During the, Senator Sher mentioned the  
5 Deukmejian years. And in looking back from an  
6 environmental perspective, the Deukmejian years in  
7 comparison to the Wilson years I think were much better  
8 environmentally, and I think the Senator had much to do  
9 with that.

10 I watched and participated in major  
11 environmental legislation getting through and getting  
12 signed every year of the Deukmejian administration.  
13 Some of it was Senator Roberti's legislation.

14 Senator Roberti authored legislation involving  
15 hazardous waste source reduction. And there's a program  
16 over at the Department of Toxic Substances Control today  
17 that is there because of his legislation.

18 And he also, Senator Sher mentioned help get  
19 through the AB 939 and numerous other environmental  
20 bills dealing with the range of issues.

21 And I think it was his participation that  
22 really forced a very reluctant Governor to do some  
23 things that were quite precedent setting  
24 environmentally.

25 You know, here on the Board I've very much

1 appreciated, I especially appreciated you being my left  
2 flank, and helping make me look moderate at times in  
3 some of the things that I've been trying to advocate  
4 here. I'm going to miss that tremendously.

5 But you know, most of all I'm going to miss,  
6 you know, the lessons I think I've learned here from you  
7 in how you conduct yourself and how you look at the  
8 issues, you know.

9 The, Senator Roberti's commitment, his passion,  
10 and his integrity I think are things that I'm going to  
11 miss tremendously, and I'm sure all of us are going to  
12 miss here.

13 So I'm wishing you well in your future  
14 endeavors and hoping that we'll all continue to be able  
15 to work together in the future in some way.

16 BOARD MEMBER ROBERTI: Thank you very much.

17 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
18 Paparian.

19 And I just wish I were Italian but my  
20 grandchildren do call me Nona so that should count for  
21 something, Senator.

22 I just agree so much with everything that's  
23 been said. I have admired you for so many years. You  
24 have made such a difference to women, children, the  
25 environment.

1 I will never forget the tragedy in Stockton  
2 where those children were murdered, and your courage in  
3 that issue was just unbelievable. And I just, I think  
4 the entire state will always be grateful for you for  
5 that.

6 I appreciate you giving me five years on the  
7 Coastal Commission. When no one thought I had a chance  
8 to be appointed, the Senator believed in me, and it was  
9 a great privilege to be on that Commission.

10 I am really going to miss you. I'm going to  
11 miss your sense of humor most of all. I was so nervous  
12 three years ago when I came up to this Board three years  
13 this month, and my first meeting everyone was talking  
14 about inerts, and I'd never really thought about inerts  
15 before, and you really lowered my anxiety level when you  
16 said, "Oh, yeah, the nerdy nerts."

17 You have been a role model, a mentor, and  
18 you've made such a difference on this Board. And as  
19 Mike said, your passion, your courage, your integrity,  
20 those are all things we will never forget.

21 And we will be remembering your leadership when  
22 we vote, and we will miss you greatly, Senator. Thank  
23 you so much.

24 (APPLAUSE.)

25 BOARD CHAIR MOULTON-PATTERSON: If the Board

1 would join me, we'd like to present you -- this might be  
2 a little anticlimatic --

3 BOARD MEMBER ROBERTI: Oh my. Oh my.

4 BOARD CHAIR MOULTON-PATTERSON: But we have a  
5 resolution for you.

6 BOARD MEMBER ROBERTI: Very good. Very good.

7 BOARD CHAIR MOULTON-PATTERSON: And everything  
8 is in here, your sense of humor, the difference you've  
9 made, the leadership that you've shown.

10 And I'm not going to read every word of it, but  
11 I'll tell you, this Board has really been richer for  
12 Senator David Roberti's leadership, and we will miss you  
13 greatly, Senator.

14 BOARD MEMBER ROBERTI: Thank you. I can only  
15 smile so long.

16 I'll say a few comments. Well here, I'll sit  
17 at the mike.

18 BOARD CHAIR MOULTON-PATTERSON: I'll sit it  
19 here with your other one.

20 BOARD MEMBER ROBERTI: Thank you very much. To  
21 my colleagues, I have enjoyed, as I said, immensely  
22 working with you.

23 The only thing I've asked of Linda, because I  
24 did appoint her to the Coastal Commission a number of  
25 years ago, was recently if she could get her husband to

1 be a guest lecturer at my class at USC. So he did that  
2 two times.

3 And so tell Jerry thank you very, very much. I  
4 feel very fond not only of Linda, but of her husband  
5 Jerry, who have been in the forefront of so many  
6 battles.

7 Mind you, if you're a Democrat in Orange  
8 County, you're in the forefront of many battles.

9 And Mike Paparian has made his mark as a  
10 premiere environmentalist and a pragmatist, and I was  
11 happy to appoint him as well to the Toxic Waste Task  
12 Force. I didn't know they went to Europe, but every  
13 once in a while you need a study trip, I guess.

14 Mike, you, from what I hear from rumors, and I  
15 can't say what those rumors are, I think you are going  
16 to be the left flank now so, so you better bone up on  
17 that.

18 To Danny, Danny and I have been in politics.  
19 Danny was a staffer, premiere political operative in the  
20 Assembly for a long, long time while I was in the, while  
21 I was a State Senator.

22 You'll be interested as I came off the airport  
23 I ran into somebody they said, "Senator Roberti, nice to  
24 see you, what are you doing here?"

25 I said, "I'm a member of the Waste Board," this

1 was just this last Sunday.

2 And he said, "Well I used to work for you and I  
3 worked in campaigns." He said, "I was a volunteer in a  
4 campaign in Norwalk for Senator Cecil Green," which  
5 Danny worked on tremendously too.

6 Why I raise that is those were the days where  
7 there were no campaign limitations and we spent just  
8 about everything trying everything out.

9 And so I have, I have all these people I have  
10 mentored that pop up every once in a while at the  
11 strangest places, it makes you feel very good. But on  
12 the other hand, it makes you realize that the gray hair  
13 is for real.

14 I started in politics when I was 26 years old.  
15 I was elected to the State Assembly at that time. I was  
16 the youngest member of the Assembly, and I've been  
17 around a long, long time.

18 I think one of the things that hit me the most  
19 was one day in the 1980s I was reading a newspaper and  
20 the paper didn't refer to me any longer as the youngest  
21 or the rising star, it referred to me as the veteran  
22 legislator. And that was sort of a startling thing.

23 So I've enjoyed working, I think the Governor  
24 is wise in mixing the ideology of this Board. And  
25 Steve, it's good to have a Republican on the Board,



1 maybe just one, but we can't get carried away, but maybe  
2 one Republican, it's good to have a mix like that.

3 And this has been a fine Board. I've enjoyed  
4 it.

5 And I have to make one other point. And that  
6 is, I have over the years gotten a lot of legislation  
7 passed, and I hope I've worked on a number of things  
8 with this Board but, you know, I do it with staff.

9 No person does everything. And the test of  
10 somebody who is effective is somebody who hires good  
11 staff.

12 First, I want to commend the Board staff in  
13 general. We have an excellent, dedicated Board staff  
14 who care about their mission. You don't see that  
15 everywhere. I mean, but on this Board people care about  
16 their mission.

17 And I guess when we get the most excited or the  
18 most upset with each other is we see our mission, how to  
19 achieve that mission differently. But it's not that we  
20 don't have the same goals.

21 And we are, we have a luxury of having members  
22 of our staff that we work with every day, the Board  
23 staff who care about this mission.

24 Now on my own personal staff I want to just  
25 mention them because I think they've been terrific, and

1 my -- I don't know how we divide these titles.

2 I guess my advisor, there's an advisor and an  
3 analyst, you know, I just know them by their first  
4 names.

5 My advisor is Rick Dunn. Rick is, has worked  
6 with me for a number of years, when I was in the  
7 legislature, and he was the person who negotiated 939  
8 with Byron's staff, Kit Lipper, and the Governor's  
9 staff, Mike Frost. And he was my person who negotiated  
10 939.

11 And Rick is a political par excellence, and I  
12 think you need somebody like that on your staff every  
13 once in a while.

14 My analyst, and I hope I didn't get these  
15 backwards, my analyst is Bendan Blue. I didn't know  
16 Bendan until I came on board. And I inherited Bendan  
17 and kept her on the recommendation of former member  
18 Chesbro, and a lot of other people, including the  
19 Secretary of the senate Rules Committee who said, "You  
20 know, she's great and you ought to give her a chance."

21 Well I didn't have anybody else who had that  
22 expertise, and Bendan has just been dedicated, hard  
23 working. I have learned a lot from her, and I hope  
24 she's learned a lot from me.

25 And I always operate with staff on letting a

1 thousand flowers grow. Mao Tse Tung I think said that  
2 too. But letting a thousand flowers grow because, you  
3 know, if you let everybody do their thing, and you keep  
4 it within some restraint, a lot of progress is made. If  
5 things are too centralized then not too much progress is  
6 made.

7           So anything I may have achieved through my  
8 career has a lot to do with the fact that I know I have  
9 hired good staff. That's one thing that I am very proud  
10 of over the years. My secretaries, Donnell Duclo and  
11 Sue Kumpulainen, have been wonderful.

12           Doing my schedule is an impossibility because I  
13 cancel and change my schedule every ten minutes based on  
14 what's come up or where I have to be. And I fly back  
15 and forth between L.A. and Los Angeles just about every  
16 week.

17           So they have been wonderful, they've been hard  
18 working, I'm going to miss them tremendously. And I  
19 probably will still be calling them more than anybody  
20 because I never can find anything, and hopefully they  
21 will know where my things are.

22           So I've enjoyed this, and thank you for giving  
23 me this moment.

24           BOARD CHAIR MOULTON-PATTERSON: Thank you.

25           (APPLAUSE.)

1 MR. MONTOYA: We'll miss your bleeding heart,  
2 Senator.

3 BOARD MEMBER ROBERTI: Yes, that's my former  
4 colleague, Joe Montoya, who always thought I was too  
5 liberal.

6 (LAUGHTER.)

7 BOARD CHAIR MOULTON-PATTERSON: Thank you. And  
8 I do think we need to get on with the meeting today.

9 With that, Mr. Eaton, do you have a report  
10 today or anything you wanted to report on?

11 BOARD MEMBER EATON: No, Madam Chair, I think  
12 in light of Senator Roberti we've reported all we can,  
13 and I think that's good news.

14 BOARD CHAIR MOULTON-PATTERSON: Thank you.

15 BOARD MEMBER EATON: Mr. Jones.

16 BOARD MEMBER JONES: Thanks, Madam Chair.

17 I'll leave the Monterey awards reception to you  
18 because it was a great event, but I will say thank you  
19 to all the staff.

20 Would you like me to give these two quick  
21 committee reports now? Everything is on consent, or a  
22 lot.

23 BOARD CHAIR MOULTON-PATTERSON: Yes, why don't  
24 you just go ahead with that.

25 BOARD MEMBER JONES: Thanks, Madam Chair.

1           As the Chair of Special Waste, Waste  
2 Prevention, and Market Development Committee, we met on  
3 Monday, August 12th.

4           We heard seven items in Special Waste. It was  
5 an exciting day. We are going to hear today the tire  
6 manifest system discussion because we felt it needed the  
7 time and it needed the entire Board to be able to take  
8 advantage of that and have some dialogue.

9           We got a presentation from the Rubber  
10 Manufacturing Association, I think seven members of the,  
11 representing Bridgestone, Firestone, Michelin, Goodyear,  
12 Continental, I think, and others, addressed the  
13 committee to talk about different facets of tire  
14 manufacturing and different options.

15           I know Mr. Paparian and myself, Mr. Eaton, I  
16 think the Senator, challenged that group to become more  
17 involved in California, and they accepted that challenge  
18 and made an offer that they would work with us on  
19 certain things. I think that's something every member  
20 on this Board has really hoped to get.

21           We did have one item that we're going to hear,  
22 waste tire cleanup grant. We changed that resolution  
23 from two years to one year.

24           We have three items on consent, two on fiscal  
25 consensus.

1           The other part of this day, and the reason I  
2   called it exciting was because in waste prevention we  
3   had a discussion of the leveraging options that were  
4   developed by the Milliken Institute as well as  
5   our staff.

6           This was a lively discussion talking about  
7   options that are going to come in front of this Board,  
8   and we'll see some kind of a, summary, probably next  
9   month, I think -- I'm looking for a head to nod -- but I  
10   think it's next month, where we will start to put a menu  
11   together of what, some of the things that we could do.

12          And there is a potential here of taking limited  
13   funds of ten or \$20 million and maybe leveraging that to  
14   \$80 million. And I think that's exciting because that  
15   will keep our RMDZ loan program active and vital.

16          We did have three items, loans basically, that  
17   are going to be coming in front of the Board today with  
18   fiscal consensus, they were unanimous.

19          And then briefly, Madam Chair. On Diversion  
20   Planning and Local Assistance, that meeting was held  
21   Tuesday the 13th with yourself, Mr. Medina, Mr. Eaton  
22   and me.

23          We, that's always an exciting committee  
24   meeting. We heard 28 items, two discussion items, one  
25   on state agency facilities, annual report under AB 75,

1 and then another report of the jurisdictions that have  
2 reserved the right to submit SB 1066 applications.

3 We have two, we have 26 items that went on  
4 consent, and we have two items that will, that were  
5 heard in committee and will go forward to the Board.

6 One is conformance findings for new and revised  
7 permits. And that's an issue of the proposed C&D and  
8 composting regs.

9 And one SB 1066 extension for San Benito County  
10 that there were some questions that came from the  
11 committee members that we weren't able to get answered,  
12 and we think we're, hopefully we will be able to take  
13 care of that today.

14 Other than that, Madam Chair, thank you very  
15 much for that opportunity.

16 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
17 Jones.

18 Mr. Medina.

19 BOARD MEMBER MEDINA: Thank you, Madam Chair.

20 And I've been working with Mr. Cal Finney,  
21 director of policy and senior advisor to the Governor,  
22 in regard to the increased use of rubberized asphalt.  
23 This is in response to the concerns of the rubber  
24 asphalt industry.

25 The chair and I met with the director of

1 CalTrans to bring industry concerns to the director's  
2 attention. And so we are moving forward in regard to  
3 this particular matter.

4 I've also been working with Mr. Finney in  
5 regard to developing a program that involves  
6 sustainability practices by the Los Angeles  
7 entertainment industry. And in this regard I have been  
8 assisted very ably by Patty Wohl and her staff.

9 And finally, while attending the CRRA  
10 conference, I met a representative of the recycling  
11 industry who was interested in providing recycled poker  
12 chips and buckets to Indian gaming casinos. And so I  
13 provided him with some information regarding the  
14 manufacturers of those products so that they can get in  
15 touch with them, and hopefully be able to provide the  
16 raw material which is recycled plastic.

17 And that concludes my report, thanks.

18 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
19 Medina.

20 Mr. Paparian.

21 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

22 In the interest of time I think I'll skip some  
23 of my comments but, you know, I'll give my P&E report  
24 right before we get into those items, there's a couple  
25 things there I wanted to mention.



1           The only thing I will mention at this point, I  
2 wanted, we dealt with a couple of regulation packages  
3 that had some controversy with them, the organics  
4 package and the C&D regs.

5           And I just wanted to thank the staff who's been  
6 working on these things really hard. I know Julie  
7 worked on 'em when she was at P&E, and Scott Walker,  
8 Mark de Bie, and all the other staff who have been  
9 working on these.

10          They get beat up a lot from us during the  
11 development of the regs, and at times I can imagine it  
12 feels like they're getting direction one way and then  
13 subsequent direction; and at times I'm sure they're  
14 feeling pretty beat up by a lot of the stakeholders, but  
15 they do a remarkable job of, you know, going back and  
16 doing what's necessary to work on these things and make  
17 them right.

18          And I think that as we move forward on those  
19 reg packages and certainly others that come before us,  
20 they reflect a lot of the really good work the staff  
21 does, even though it seems like they're not getting much  
22 credit along the way.

23          So I wanted to give the staff a little bit of  
24 credit for the work that they're putting into these  
25 things.

1 BOARD CHAIR MOULTON-PATTERSON: Thank you.

2 Senator Roberti.

3 BOARD MEMBER ROBERTI: Yes, Madam Chair. This  
4 past month I had a site visit in the City of Los Angeles  
5 with the Los Angeles Waste Board member Audriana  
6 Ruvalcaba. And we visited L.A.'s waste collection site  
7 for white waste, and big, big ticket items, and they  
8 have an excellent program there.

9 And like many local governments, they're  
10 looking for some help on funding. But they deserve it,  
11 and we are, we are going to try and put our staff in  
12 touch with the city which is really making a major  
13 effort to do some cleanup.

14 I also attended, as I do occasionally, the Los  
15 Angeles County Solid Waste Task Force. I see Mike  
16 Mohajer in the audience. I have enjoyed over the past  
17 number of months or years going occasionally to those  
18 meetings because I think it's very important for us at  
19 the state level to meet the locals on their turf and  
20 their terrain where we understand what their issues are.

21 And we do send staff there, Mike Uselton --  
22 Steve Uselton rather. But I think with all the various  
23 task forces throughout the state where the locals do  
24 gather together, especially on a regional basis, I have  
25 found it productive, because we understand how they

1 feel, and the only way you can get the full gravity of  
2 that is if you go on their terrain. You don't really  
3 get that feeling if, always when they come here to talk  
4 to us, because we're here two feet higher and it's just  
5 a, it's just a different kind of presentation. And, you  
6 know, you don't, you don't hear the gripes. And there  
7 are some legitimate ones.

8           So I would recommend that for all the Board  
9 members who are here now and are coming in the future  
10 that they do a little bit of this, which will make our  
11 roles that much more productive.

12           I spoke, as I think many of you did, but I  
13 spoke a number of times with Global Green. And they're  
14 interested that we push more the whole concept of  
15 sustainable building.

16           And they are interested in a sustainable  
17 building workshop and trade show, just as we do a market  
18 trade show as we did this past year in Anaheim. And I  
19 think the whole area of sustainable building is  
20 something where everybody's who's in the business of  
21 doing this, and I don't know what everybody else is  
22 doing, and all those who can potentially gather their  
23 forces and create a more sustainable environment where  
24 we work together with people who conserve on energy,  
25 people who conserve on water as well as we who are

1 trying to conserve on resources work together.

2           So I hope we at some point do have a trade show  
3 in this area as well.

4           Now on another matter, Madam Chair. At first I  
5 was, with some hesitation, wanting to revisit this  
6 question. But under your wisdom, I might say, Madam  
7 Chair, you have reorganized the Board.

8           And I might say I was very reluctant at first  
9 when you decided to have the committee system. You put  
10 the committee system through when I was on my little  
11 venture to run for Los Angeles City Council so I wasn't  
12 really a participant. So when I come back, lo and  
13 behold we have this committee system constituted.

14           And I actually being very basically  
15 conservative at heart, because I hate making changes in  
16 the MO, was reluctant. And I was thinking, oh, no, it's  
17 just going to be longer meetings, all of us talking  
18 more, giving all of us forum to go longer.

19           Well it hasn't worked out that way. Actually  
20 the committee system has produced a lot of dialogue. I  
21 sit on two, Permitting chaired by Mike Paparian, Special  
22 Waste by Steve Jones. We get a lot done. We talk the  
23 issues out.

24           They take the place in part of the briefings,  
25 which I really did like when I was first here, and they

1 diffuse authority.

2           And you, in order to have the Board functioning  
3 better, was, we're not afraid to diffuse authority. And  
4 you have done that through the institution of the vice  
5 chairs and the institution of creating these committees  
6 where the members just participate a little bit more in  
7 depth.

8           So, therefore, I feel that I have the courage  
9 and the reason to revisit the issue of the vice  
10 chairmanship.

11           Authority on this Board is diffused. The  
12 member, and knowing that I was going to be retiring at  
13 the end of the year although I hadn't made it public, I  
14 didn't push myself to assume a vice chairmanship. But  
15 the members do exercise their intelligence, their  
16 background, their knowledge, their experience, through  
17 chairing the various subcommittees that we have on this  
18 Board.

19           But there is one area where I think we are  
20 still lacking, and we've got to work harder at it. And  
21 I think we have a person who will singularly, would be  
22 effective in this area.

23           If we look at all the people who participate on  
24 our Board, the stakeholders, both from industry and  
25 business, and the people from local government,

1 environmental issues, not just Waste Board issues,  
2 attract middle class, Anglo America.

3           It's the way it's been for many, many years,  
4 ever since I've been in the legislature, and we have to  
5 try to make an attempt to bring all of California into  
6 our purview, into our perspective.

7           Another area where we've been lacking, but I  
8 think the Chair's elevation to her position as chair is  
9 that we don't have any special position for local  
10 government, although we have a number of people who have  
11 local government backgrounds, including Madam Chair.

12           But there is one person I think who, not only  
13 because of his dedication, his care, his forthrightness,  
14 his hard work, is I think well suited to assume the  
15 position of the vice chairmanship which, in effect, is  
16 really honorary.

17           It's honorary because it's not provided for in  
18 statute, but who because of his unique interest, pushing  
19 affirmative action, pushing environmental justice, and  
20 his own personal background, I think will help us send a  
21 message that the issues that this Board is concerned  
22 about and the people that we are concerned about run the  
23 scope of California. And he comes from local government  
24 too.

25           I would like to place in nomination, with the

1 full understanding that today, much more than six months  
2 ago the, power on this Board is diffused among all six  
3 members much more than it was, so we're talking about an  
4 honorary position now, but an important symbolic  
5 position. I would like to place in nomination the name  
6 of Jose Medina.

7 BOARD CHAIR MOULTON-PATTERSON: Thank you,  
8 Senator. I'll second that.

9 I have not had a vice chair in the two years  
10 that I've served, and at times it's been difficult. I  
11 want to thank Jose, when my daughter had her baby early  
12 and I had to miss the El Centro meeting, he did fill in  
13 very ably and I appreciated that very much.

14 And I think, as the Senator said, Jose Medina  
15 would make a great vice chair, and so I will second  
16 that.

17 BOARD MEMBER EATON: Madam Chair.

18 BOARD CHAIR MOULTON-PATTERSON: Mr. Eaton.

19 BOARD MEMBER EATON: May I be recognized?

20 BOARD CHAIR MOULTON-PATTERSON: Certainly.

21 BOARD MEMBER EATON: And before I speak I'd  
22 like my comments to reflect that what I'm about to go  
23 into has no reflection on the comments that Senator  
24 Roberti has made or the second or Mr. Medina, who I  
25 really don't have a problem with, whether it be an

1 honorary role as vice chair or an active role, and I  
2 think it will be an active role, quite the contrary of  
3 vice chairs.

4 But as one, with Senator Roberti leaving, and  
5 one who has always prided himself on notice, and one who  
6 has always prided himself on the ability to follow  
7 precedent, I have to object to the fact that we're going  
8 to take a vote on a vice chair without notice under  
9 Begley-Keene.

10 And even in the absence of statute, and if that  
11 is the basis by which our legal counsel is advising the  
12 rest of the Board -- and is that the case?

13 BOARD CHAIR MOULTON-PATTERSON: Ms. Tobias?

14 CHIEF LEGAL COUNSEL TOBIAS: The Begley-Keene  
15 Act requires that matters that come before the Board are  
16 supposed to be noticed ten days in advance.

17 Because this is a matter of internal  
18 administration I think that we've usually advised the  
19 Board that it's best to go with the ten days notice, but  
20 that it would not be required.

21 BOARD MEMBER EATON: You see, Madam Chair,  
22 that's the point that I have is that even as early as  
23 last year in July when the issue of the vice chair came  
24 up, it was properly noticed. Now it was eventually  
25 taken off calendar.



1           And every previous time that there had been a  
2 vice chair, to my knowledge it has always been noticed.  
3 So in the absence of statute, the Board, under Robert's  
4 Rules of Order, must follow its precedent. And the  
5 precedent has been to properly notice this item.

6           And I don't understand, quite frankly, why it  
7 couldn't have been. It is nothing, I think we do need a  
8 vice chair.

9           And in fact, if it was truly internal  
10 administration, as our legal counsel asserts, then I  
11 would ask that you, Madam Chair, do what you did with  
12 committees, and you could have just appointed Mr. Medina  
13 as chair. Because if that's really the key question.

14           But if we are going to take up a matter by  
15 which we vote on a non-consideration internal item, it  
16 doesn't square. We don't vote on a non-consideration  
17 item, and you do not follow precedent.

18           So Mr. Medina, please don't take my objection  
19 as an objection against you. But I think proper notice  
20 in this situation should have been forthcoming. And I  
21 hope that this is not going to be the precedent from  
22 which we now go down that road on other matters, because  
23 if it is it's a very slippery slope by which all of us  
24 could be hurt by.

25           And therefore, I think that it is totally out

1 of order that we would even take up this. If you prefer  
2 to just appoint and announce Mr. Medina as vice chair, I  
3 think that is completely within what your legal counsel  
4 has advised you.

5 But to take a vote I think is not proper, and  
6 in keeping with both the Board precedent or what we need  
7 to be doing at the Board.

8 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
9 Eaton.

10 Ms. Tobias, maybe you can advise me. I have no  
11 problem with simply appointing Mr. Medina as vice chair  
12 as I did the other, when we formed the committees.

13 But I also have been trying to schedule some  
14 minor surgery, and so this could be considered an  
15 emergency that arose after the printing of the agenda.  
16 I might have to take off some days in September. And I  
17 really want to have, if that happens I want to have a  
18 vice chair.

19 Which would you think would be the best way to  
20 do it?

21 I can do it either way and it, you know, we can  
22 take a vote on it right now, or I can just appoint.

23 So if you could give me your best legal advice  
24 on that, I would appreciate it.

25 CHIEF LEGAL COUNSEL TOBIAS: I think at this

1 point if you wanted to you could also schedule it for  
2 another vote after you've appointed it. If you've got  
3 surgery scheduled and there's a reason to do that you  
4 may want to --

5 BOARD CHAIR MOULTON-PATTERSON: My point is  
6 that the need to have this agenda item arose after the  
7 printing of the agenda.

8 CHIEF LEGAL COUNSEL TOBIAS: Right.

9 BOARD CHAIR MOULTON-PATTERSON: So, you know,  
10 we can either take a vote, or we can, I can simply  
11 appoint.

12 Senator.

13 BOARD MEMBER ROBERTI: Well it's, when you get  
14 two lawyers talking you get ten opinions, I guess.

15 On the question of Robert's Rules or precedent,  
16 this is an internal item that the Board is involved in.  
17 It was an honorary position, it is not statutory. And  
18 the fact that a vote itself is not noticed frankly turns  
19 notice on its head if we're saying but ah ha, on her own  
20 it would be quite all right to accomplish the same thing  
21 through a direct appointment. That even has less notice  
22 to the public.

23 So I think if we're talking about the public  
24 being properly involved here, I would say that a vote is  
25 entirely proper.

1           If however, Madam Chair, you want to make the  
2 appointment, that's fine with me. That's fine with me.

3           I think a vote on an item that is non-statutory  
4 administrative procedure is quite proper. I would hate  
5 for you to put it off till September, whatever you do,  
6 for a very selfish reason, I would like to participate  
7 and I won't be here. But whatever you want to do is  
8 fine.

9           BOARD CHAIR MOULTON-PATTERSON: Okay.

10          BOARD MEMBER ROBERTI: But I think a vote is  
11 entirely proper and probably gives a greater notice.  
12 But you are the chair.

13          BOARD CHAIR MOULTON-PATTERSON: I will --

14          BOARD MEMBER ROBERTI: And --

15          BOARD CHAIR MOULTON-PATTERSON: With that,  
16 Senator, we have a motion and we have a second.

17          Please call the roll for the selection of Jose  
18 Medina as vice chair of this Board.

19          Please call the roll.

20          BOARD SECRETARY VILLA: Eaton.

21          BOARD MEMBER EATON: For purposes explained in  
22 the public record, I'll be abstaining from this vote.

23          BOARD SECRETARY VILLA: Jones?

24          BOARD MEMBER JONES: (No response.)

25          BOARD SECRETARY VILLA: Medina?

1 BOARD CHAIR MEDINA: Aye.

2 BOARD SECRETARY VILLA: Paparian?

3 BOARD MEMBER PAPARIAN: Aye.

4 BOARD SECRETARY VILLA: Roberti?

5 BOARD MEMBER ROBERTI: Aye.

6 BOARD SECRETARY VILLA: Moulton-Patterson?

7 BOARD CHAIR MOULTON-PATTERSON: Aye. Okay.

8 Thank you.

9 As far as reports, I'd like to report on a very  
10 happy event, one that I've looked forward to for a long  
11 time.

12 As many of you know, we were able to honor 162  
13 jurisdictions at the California League of Cities in  
14 Monterey. Board member Steve Jones joined me, and it  
15 was a wonderful event, a lot of enthusiasm.

16 The cities were so appreciated -- appreciative  
17 that their hard work and industry's hard work had been  
18 recognized.

19 I just wanted to say a big thank you to all our  
20 staff that worked so hard, Frank Simpson, your and Chris  
21 Peck, Oscar Arriaga who was here earlier taking photos,  
22 he designed the plaque that we presented these cities  
23 with, it's beautiful. In fact, maybe next month or  
24 sometime we can make sure we have one to show that it --  
25 oh, well, okay, I won't steal, you can do that in your

1 report, Mr. Leary. Our own staff member designed this  
2 very beautiful plaque.

3 And the DPLA staff just did a terrific job, not  
4 just that night, however over all the last ten years,  
5 eleven years.

6 And I think what really summed it up, we had so  
7 many people that came up and wanted to have, I didn't  
8 think anybody would want to, but they wanted to have  
9 their picture taken with Mr. Jones and myself. So many  
10 of the mayors and the council members.

11 And when they came up they said your staff is  
12 so great, they have helped us so much over and over and  
13 over again. And one gentleman said, "Rebecca Brown is  
14 an angel. And she has helped us, she's made this  
15 possible."

16 And I was so proud of our staff. I just can't  
17 tell you. It just was a wonderful evening, I wish  
18 everybody could have been there. I know there were some  
19 schedule conflicts which is the reason other Board  
20 members couldn't be there, but it was really terrific.

21 And some of the ones that hadn't quite made it  
22 that were at the California League of Cities were  
23 saying, "Boy, we really want to be up here." "We really  
24 want to be recognized." And, "We're almost there."

25 So anyway, thank you, staff, for making the

1 evening possible. I really appreciate it very, very  
2 much.

3 I also took the east end tour of our, with our  
4 green building staff, and saw the Department of  
5 Education. It's just phenomenal to see all of your  
6 efforts.

7 And Mr. Eaton, certainly your, you were so  
8 involved and Arnie Whitlong. And to see that all come  
9 about was really exciting.

10 We met yesterday with Secretary Adams and she  
11 asked that I invite everybody that can to come to the  
12 dedication of the new headquarters building for the  
13 California Department of Education. It's at 1430 N  
14 Street. And that will be Wednesday, September 4th at  
15 10:30 a.m. And I think they will be giving tours, and  
16 it's really something to see, to see all of the  
17 sustainability practices that have been integrated into  
18 that building. So I would encourage you to go. That  
19 was very exciting.

20 Lastly, the week before last I wanted to finish  
21 my goal of visiting all 58 of the counties in  
22 California, so I went to Plumas, to Lassen, and last but  
23 not least, to Trinity.

24 And I'll tell you, it was a great experience to  
25 me. Being from Los Angeles, I had no idea how sparsely

1 populated the rural areas up there are, some of the  
2 problems that they face. I saw many of the facilities,  
3 talked with many of the people that are involved in the  
4 waste management.

5 And I really felt I had, came away with a  
6 better understanding of the rural jurisdictions. So it  
7 was really great that I could do that.

8 And that's the end of my report, and I'll turn  
9 it over to Mr. Leary for his report.

10 EXECUTIVE DIRECTOR LEARY: Thank you, Madam  
11 Chair. Let me start by saying a number of positive  
12 things were said about Board staff this morning, and on  
13 behalf of all the staff I'd like to express my  
14 appreciation and gratitude for those very positive  
15 comments.

16 I too agree with the assessments made this  
17 morning that we have a very talented staff who are doing  
18 a terrific job.

19 And I'll piggyback on that accolade that you've  
20 commented on, Madam Chair, in regards to the Monterey  
21 event.

22 I, too, was very proud of the Board staff in  
23 pulling that together. An evening conceived I think by  
24 you, Madam Chair, but really implemented every step of  
25 the way by Frank Simpson and his very talented public



1 affairs shop.

2 And on your cue, if we'd worked this out better  
3 I would have gladly shown it off when you referred to  
4 it. But maybe I can ask Julie to give me a hand here  
5 and hold this up.

6 This is the award that we presented to the  
7 jurisdictions, a Resources for the Future award. It's  
8 amazing in the right light, and it was the right light  
9 that evening in Monterey when we had spotlights on these  
10 awards. But the reflection is beautiful. And much  
11 credit to Oscar Arriaga in his design for that. And  
12 again, a credit to all of our staff for pulling that  
13 evening together.

14 I wanted to also comment that although one  
15 hundred and however many jurisdictions did receive that  
16 award that evening, we will have an award for every  
17 jurisdiction who makes 50 percent or has a good faith  
18 effort for the year 2000.

19 A couple other items that I will move through  
20 quickly to get to the Board's external business. I  
21 imagine our stakeholders are getting a little antsy here  
22 this morning, they haven't had a chance to speak.

23 But over the next six years the L.A. Unified  
24 School District will be building 139 new facilities to  
25 accommodate their growing student population, and in the

1 process spend something like \$2.8 billion.

2           It's noteworthy that this, the largest school  
3 district in the State of California, has made as part of  
4 its effort an endorsement of the importance of  
5 sustainability.

6           They have joined as a district the  
7 Collaborative for High Performance Schools with the CHPS  
8 program that we, as you all know, the Board is a part  
9 of.

10           Subsequently, the district has developed a  
11 score card which requires that all LAUSD projects  
12 qualify as CHPS schools and certify that they meet the  
13 CHPS criteria.

14           Initially the district has, will require each  
15 project to divert 75 percent of its C&D waste from the  
16 landfill. And we, of course, are working closely with  
17 the district to make sure that that happens.

18           And then lastly, I wanted to comment that food  
19 residuals continue to make up about 60 percent of the  
20 California waste stream and are becoming the target of  
21 an increasing number of local diversion efforts.

22           As the Board will recall, back in February the  
23 Board approved a \$50,000 contract with CSU Sacramento to  
24 develop a food diversion summit. The summit is now  
25 scheduled for October 22nd and 23rd at the Sacramento

1 Hilton.

2           You will recall that the purpose of the summit  
3 is to improve the efficiency of the management of food  
4 products from generation to end use.

5           The summit will bring together representatives  
6 from our major stakeholders. All levels of the state's  
7 food management, infrastructure, generation, processing,  
8 shipping and handling, as well as recovery and disposal  
9 of food residuals.

10           We look forward to that very productive couple  
11 of days. And we've already confirmed the former Air  
12 Resources Board chair and now the president of the  
13 California Restaurants Association, Mr. John Dunlap, to  
14 be an important part of that food summit presentation.

15           And with that I will conclude my Executive  
16 Director's report.

17           BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
18 Leary.

19           The Board will be holding a closed session  
20 tomorrow, Wednesday, at 10:30 a.m. to discuss pending  
21 litigation.

22           Also, if we go back to our agenda, item six has  
23 been pulled and will not be heard at this meeting.

24           Item nine will be continued until the September  
25 Board meeting.

1           Item 7, 8, 10, 14, 15, 24, 26, and 28 will not  
2 be heard. These items were heard at the committee  
3 level.

4           Items 2, 3, 4, 5, 19, 20, 21, 22, 23, 29  
5 through 37, and 39 through 52 have been proposed for  
6 consent agenda.

7           Would any Board member wish to pull any of the  
8 items on consent?

9           (No response.)

10          BOARD CHAIR MOULTON-PATTERSON: Mr. Jones.

11          BOARD MEMBER JONES: Madam Chair, I'll move  
12 adoption of the consent calendar.

13          BOARD MEMBER MEDINA: Second.

14          BOARD CHAIR MOULTON-PATTERSON: Thank you. We  
15 have a motion by Mr. Jones, seconded by Mr. Medina to  
16 approve items 2, 3, 4, 5, 19, 20, 21, 22, 23, 29 through  
17 37, and 39 through 52 on consent.

18          Please call the roll.

19          BOARD SECRETARY VILLA: Eaton?

20          BOARD MEMBER EATON: Aye.

21          BOARD SECRETARY VILLA: Jones?

22          BOARD MEMBER JONES: Aye.

23          BOARD SECRETARY VILLA: Medina?

24          BOARD CHAIR MEDINA: Aye.

25          BOARD SECRETARY VILLA: Paparian?

1 BOARD MEMBER PAPARIAN: Aye.

2 BOARD SECRETARY VILLA: Roberti?

3 BOARD MEMBER ROBERTI: Aye.

4 BOARD SECRETARY VILLA: Moulton-Patterson?

5 BOARD CHAIR MOULTON-PATTERSON: Aye.

6 Okay. That takes us to our continued business  
7 agenda items. And this is item, this item was heard in  
8 committee and did receive committee consensus and Scott  
9 Walker will present.

10 And we do have some speakers.

11 MR. SCHIAVO: Excuse me, Chair, but I believe  
12 item number one -- I'll go ahead and give the  
13 introduction, is consideration of an appropriate method  
14 for making conformance findings for permits, new or  
15 revised, that include multiple solid waste --

16 BOARD CHAIR MOULTON-PATTERSON: I'm sorry, Mr.  
17 Schiavo, I read the wrong note here.

18 MR. SCHIAVO: That's okay.

19 BOARD CHAIR MOULTON-PATTERSON: Sorry, Mr.  
20 Walker.

21 MR. SCHIAVO: We're adaptable. As they relate  
22 to county-wide siting elements and non-disposal facility  
23 elements.

24 And Catherine Cardozo will initiate this  
25 presentation.

1 BOARD CHAIR MOULTON-PATTERSON: Thank you.

2 MS. CARDOZO: Good morning, Madam Chair and  
3 Board members.

4 This item was first discussed at the July  
5 Diversion, Planning, and Local Assistance Committee or  
6 DPLA, and was continued to this month's DPLA committee  
7 meeting. The committee's recommendation was that the  
8 item be heard by the full Board.

9 The difference between the two committee  
10 presentations was that at the August committee meeting a  
11 discussion was included of how the Board's proposed  
12 composting and construction and demolition regulations  
13 would impact staff's previous recommendation.

14 Elliot Block will again be presenting the main  
15 issues involved as well as staff's revised  
16 recommendations.

17 LEGAL COUNSEL BLOCK: Good morning.

18 This item, as titled, is about making basic  
19 conformance findings for multiple solid waste facilities  
20 at the same site.

21 Very briefly as background, the basic  
22 conformance finding requirement is located in Public  
23 Resources Code 50001 and provides that a solid waste  
24 facility cannot be established or expanded unless it is  
25 either in the county-wide siting element or in the

1 non-disposal facility element.

2           The conformance requirement applies to the  
3 permit concurrence process. In other words, an activity  
4 that requires a, facility that requires a permit from  
5 the Board is subject to the conformance finding  
6 requirements.

7           Those solid waste operations that the Board  
8 regulates but have been placed in essentially our  
9 notification tier, did not require a permit, are not  
10 subject to the conformance finding requirement.

11           In the past the Board has come across  
12 situations where more than one solid waste facility is  
13 located at the same site, and we have provided advice in  
14 the past when there are two separate solid waste  
15 facilities at the same site that the operator can choose  
16 to either permit those separately or can put them into  
17 one combined permit.

18           In terms of the item that's before you today,  
19 in dealing with the situation where we have more than  
20 one facility with one permit, and the primary example  
21 we've been dealing with is a non-disposal facility like  
22 a composting facility or on site at a landfill, is that  
23 both facilities would have to be identified in the  
24 appropriate planning element, either the siting element  
25 for the landfill or the facility or the non-disposal

1 facility element if we're talking about a composting  
2 facility or a MRF.

3 While statute doesn't expressly address this  
4 position -- this issue, this recommendation fits within  
5 the plain meaning of the statute which talks about  
6 identifying the facility and the appropriate element.

7 And staff believes that this is appropriate  
8 because without this requirement we could have a  
9 situation where by combining two facilities in one  
10 permit a site would be essentially escaping the  
11 requirement for conformance findings for that second  
12 facility.

13 As was mentioned, an issue came up after this  
14 was first discussed at the committee meeting in July  
15 relating to existing activities at landfill sites that  
16 don't currently require a permit but may require a  
17 permit in the future depending on the outcome of a  
18 couple of regulatory packages that the Board is bringing  
19 forward.

20 Primarily we're dealing with chipping and  
21 grinding of compostable materials, primarily the green  
22 material; which under the current proposed regulations  
23 would require a registration permit if they're handling  
24 more than 200 tons per day of material, and a full  
25 permit if they're handling over 500 tons per day.



1           And the current version of the C&D regulations  
2 would provide that if the C&D processing is occurring, a  
3 registration permit would be required at one hundred ton  
4 per day threshold, and a full permit at 750 ton per day  
5 threshold.

6           So in response to this issue staff has provided  
7 a recommendation. If you'd like to see all five bullets  
8 on one page it's on the second page of the resolution, I  
9 had to put them on two slides for the PowerPoint, it  
10 takes too much room.

11           But basically is recommending that in addition  
12 to the basic recommendation that if there are two  
13 facilities at a site, they would both need to be  
14 identified in the appropriate document. Where we're  
15 dealing with a situation of an existing activity -- well  
16 actually, probably the best way is just to go through  
17 the five bullets. I was going to generalize it.

18           But basically interpret 5000 -- Public  
19 Resources Code Section 50001 that when we're dealing  
20 with a situation where there's a proposed solid waste  
21 facility permit that includes an existing non-disposal  
22 activity, such as chipping and grinding, C&D processing;

23           Where that disposal facility is identified in  
24 the county-wide siting element;

25           Where the non-disposal facility activity that's

1 being added to the permit is being added because -- I'm  
2 sorry, yes -- as a result of revision to the Board's  
3 regulations, and not as a result of a change in the  
4 activity; in other words, an increase in the size or the  
5 like;

6           And that that existing non-disposal activity  
7 was described within the disposal facilities report of  
8 facility information as of today, if the Board were to  
9 make the decision today, that those activities would not  
10 require a separate identification in the non-disposal  
11 facility element.

12           One thing I should emphasize, this came up at  
13 the committee meeting. In a situation, and there are a  
14 few of these around the state, where the existing, the  
15 description of the disposal facility and the siting  
16 element already includes a description of composting or  
17 non-disposal activity, in some cases that's the case,  
18 our recommendation would not require that an additional  
19 amendment be made for concurrence on that.

20           We're simply talking about a situation where  
21 neither document, either the siting element or the  
22 non-disposal facility element contains a description of  
23 the activity.

24           Now the Permitting and Enforcement staff,  
25 Permitting and Inspection staff has done, since last

1 month, a fairly quick survey, very preliminary, of LEAs  
2 around the state to try to get a sense of the scope of  
3 what we're talking about would be included in this  
4 grandfathering clause. So it's by no means final since  
5 these numbers obviously could change as well depending  
6 on the outcome of these two regulatory packages.

7 But they have discovered approximately 21  
8 landfills that have some sort of chipping and grinding  
9 of either green material or construction and demolition  
10 debris going on;

11 And 26 sites that have construction and  
12 demolition processing going on. That actually is about  
13 forty sites because some of them have more than one  
14 going on.

15 And while I can't fit it on the overhead,  
16 you've each been given a copy and there's copies on the  
17 back table of the forty sites that have been identified  
18 preliminarily as sites that might be affected by this  
19 recommendation for the grandfathering clause.

20 Again, how exactly that plays out will depend  
21 on what those regulations look like in the future.

22 And with that, I can answer any questions you  
23 have or I can just stop.

24 BOARD CHAIR MOULTON-PATTERSON: Mr. Eaton.

25 BOARD MEMBER EATON: Thank you, Madam Chair.

1           Since I was the one who voted to bring this to  
2 the full Board, and now what I don't understand is,  
3 quite frankly, why with the grandfathering clause, what  
4 is the rush on this item?

5           I mean what I see is we don't have our  
6 regulations settled yet. And in which case, at least in  
7 some of your recommendations, things could change as a  
8 result of those regulations, and then we just add more  
9 confusion to the pot.

10          With grandfathering there's nothing that says  
11 isn't it a fact that if someone is operating one of  
12 these, you know, activities, they can actually increase  
13 the size of that activity during this time, and then if  
14 they're grandfathered in they wouldn't have to get a  
15 permit.

16          LEGAL COUNSEL BLOCK: The purpose of one of the  
17 bullets up there that essentially is trying to freeze  
18 this in time based on the RFI as of today is to avoid  
19 that.

20          In here if there is a non-disposal activity  
21 going on at a landfill site, even if it doesn't require  
22 a permit, it is supposed to be described in the report  
23 of facility information. And so that document should  
24 include a description of the size of that facility.

25          So, at least in concept, the way this

1 recommendation is set forth that shouldn't occur.

2 But I'll go ahead and ask Scott from Permitting  
3 and Enforcement and Mark if they wanted to add some  
4 additional comments on what those RFIs look like.

5 MR. DE BIE: Okay. Mark de Bie with Permitting  
6 and Inspection.

7 As Elliot indicated, typically RFIs do describe  
8 all the activities occurring at the landfill or other  
9 facility, including activities that fall into these  
10 categories, either chipping and grinding of compostable  
11 materials or some sort of processing of C&D or inert  
12 materials.

13 The degree of detail included in the RFIs does  
14 vary somewhat; some have specific levels, tonnage levels  
15 that are being processed per day. Some are more generic  
16 in terms of, you know, material is processed on site, or  
17 separated from the waste stream and processed on site  
18 without any indication of specific amounts.

19 Typically the amounts are a subset of the total  
20 amount going into the site, so there are conceivably  
21 some limits in those cases.

22 But it does vary somewhat in terms of level of  
23 detail of description of these various activities.

24 BOARD MEMBER EATON: But we could basically,  
25 they could increase their activity or the amount that is

1 taking place, and then at the time the regulations come  
2 up push to have that as part of the grandfathering,  
3 another grandfathering simply by the fact that they've  
4 been operating that way even though the regs have been  
5 different.

6           What I'm trying to get at is I don't quite see  
7 the purpose why we need this at this time. And it would  
8 seem to be much more consistent with having the regs and  
9 this particular item come together at the same time  
10 because that way everyone sort of has the same, are on  
11 the same page and we're not, you know, having some  
12 facilities that are grandfathered in and some that  
13 aren't.

14           MR. DE BIE: I can speak to the first point.  
15 And certainly it's conceivable that some facility  
16 operators could increase the level of activity and still  
17 be within the parameters of their RFI and permit because  
18 of the generic nature of the description.

19           There are some facilities that would not be  
20 able to do that because of the details included in the  
21 RFI or the permit without going through some amendment  
22 to the RFI or a permit revision if there's a condition  
23 in the permit, so there would be some variability in the  
24 ability of an operator to increase.

25           Certainly when the regulations are in place

1 there would be a definitive definition of what is a  
2 facility and, therefore, at the level of requiring any  
3 permit, either separate or under one, and those that  
4 would fall under a different category of operation.

5 So right now we can just speculate what those  
6 levels might be and compare with what our understanding  
7 of what's occurring at those facilities currently.

8 BOARD MEMBER EATON: Thank you.

9 BOARD CHAIR MOULTON-PATTERSON: Mr. Jones.

10 BOARD MEMBER JONES: Thanks, Madam Chair.

11 Just -- Elliot, this, this requirement to  
12 include in the NDFE, if our reg package goes through and  
13 say these facilities, these operations that are either  
14 part of an ADC program or part of a recycling, chipping,  
15 and grinding operation for feedstock to other  
16 processors, or the C&D processing facility where it's  
17 stockpiled and then ground up and used as foundation  
18 material for a landfill or for some purpose.

19 What we're talking about is that when the regs  
20 do go through, because of the limitations, that certain  
21 of those operations with no change in the way they're  
22 operating today, they would all require to get some  
23 permit. They may fall into a permit depending upon the  
24 tonnages that are going there, they'd have to go out and  
25 get a permit as a facility, right?

1           LEGAL COUNSEL BLOCK:  Correct.

2           BOARD MEMBER JONES:  Okay.  What we're talking  
3 about is that identification in the NDFE, the inventory  
4 of non-disposal facility elements that exist within a  
5 county.

6           And I, I think what -- you know, because I'm  
7 probably the creator of this discussion and this  
8 confusion.  I'm not, this grandfathering is not going to  
9 allow those facilities to not get whatever the required  
10 permits are.

11           What it's just going to do is say because it's  
12 already been identified in a fully permitted landfill as  
13 an ancillary operation, that it's not going to have to  
14 go through the requirement of listing it in the NDFE.  
15 It will have almost automatically have it listed in the  
16 NDFE as a result of its existence if and when the those  
17 regulations, but it doesn't, it doesn't lessen the  
18 requirement that any of those facilities now get the  
19 appropriate permit for whatever those ancillary  
20 operations were, correct?

21           LEGAL COUNSEL BLOCK:  That's correct.  This  
22 grandfathering clause is purely limited to the  
23 conformance finding issue, and would not affect the  
24 requirement to get a permit or revise the permit if that  
25 would be the requirement from the regulation.



1 BOARD MEMBER JONES: So if some, and it is,  
2 it's confusing. Because I didn't want anybody to get a  
3 free ride on this thing.

4 It's just the idea that a fully permitted  
5 facility will have already gone through CEQA, would have  
6 identified these operations as part of the operation of  
7 the landfill and, you know, these regs are just going to  
8 add one more piece of bureaucracy and that's, you know,  
9 having to go through a process to list it.

10 And the only reason I was comfortable with it  
11 was that under the NDFE, if you read the statute, it  
12 says that, you know, they can amend it every five years  
13 for different operations. So, you know, six of one,  
14 half dozen of the other.

15 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
16 Jones.

17 We do have some speakers, Mike Mohajer, Los  
18 Angeles County Public Works.

19 MR. MOHAJER: Good morning, Madam Chair,  
20 Members of the Board.

21 Just a couple of seconds I want to congratulate  
22 Senator Roberti for leaving Sacramento and joining us  
23 down at the local government level in Los Angeles.

24 And I met Senator Roberti a few years ago, and  
25 it truly has been a pleasure. And being born in a

1 foreign country and not knowing what the democracy is  
2 all about and how the things are handled, it was just a  
3 pleasure, that's all I can say.

4 And I'm certainly going to miss the Senator at  
5 this Board. Truly he's represented the local  
6 government, as you are.

7 And having said that, my issue about this item  
8 is that, a little bit different because I do want to  
9 talk about the siting element and the finding of  
10 conformance that L.A. County has.

11 As the staff has indicated in their attachment  
12 two, last, not last, over two years ago in August, 2000,  
13 we requested, I requested at least to the rule of the  
14 local task force in processing the finding of  
15 conformance. And I was rather pleased that finally  
16 after two years the response to my request was provided  
17 in attachment in the Board package, even though we were  
18 not provided with a direct response.

19 A couple of references I want to make in  
20 attachment two. It makes a statement because the L.A.  
21 County siting element has a finding of conformance for  
22 the local task force, our task force wants to make sure  
23 that if a facility is consistent with the requirement of  
24 the siting element.

25 When the Waste Board approve a siting element,

1 the resolution indicated that they neither approve nor  
2 disapprove the finding of conformance process that we  
3 have.

4 And this issue has been going back and forth.  
5 And as I said, I'm glad at least we got something in  
6 writing back from the staff, even though it's an  
7 attachment, but no direct response to L.A. County.

8 But having said that, on page two of that  
9 attachment two, the last paragraph reads, this is,

10 "In addition to requiring  
11 description of all existing  
12 applicable disposal and  
13 transformation facilities, the  
14 Board's resolution required that a  
15 county-wide siting element include  
16 criteria that will be used in the  
17 siting process for each facility.

18 "The element is also required  
19 to describe process to be used to  
20 conform, to confirm that these  
21 criteria are used."

22 Then moving to page three in the middle of the  
23 page, the first paragraph, the whole paragraph reads:

24 "The Los Angeles County-wide  
25 siting element provides that a task

1           force shall review each proposed new  
2           or expanded facility to determine if  
3           it meets these requirements."

4           So having said that, so then my question comes  
5 up, well how would the Waste Board and the local LEA  
6 would be at least enforcing to what is stated over  
7 here?

8           So I would appreciate if this issue is  
9 addressed in a, sort of a writing form to our task force  
10 and, because there have been instances that a landfill  
11 proposal from L.A. County has come up before the Board,  
12 as a matter of fact the last one that I raised the issue  
13 that it did not have a finding of conformance from us.

14           And that is pretty critical for the city and  
15 county is again having, everybody having input. And  
16 even though it is a local process, but as the regulation  
17 is called out over here, I would appreciate to have a  
18 written response so we can move in regard to that.

19           BOARD CHAIR MOULTON-PATTERSON: Thank you.

20           MR. MOHAJER: Any question I can answer?

21           BOARD CHAIR MOULTON-PATTERSON: So can we get a  
22 response to Mr. Mohajer?

23           LEGAL COUNSEL BLOCK: Elliot Block again.  
24 This is a different issue that he's raising today, I  
25 think it is a little bit, well it's related to but it's

1 a little bit different than the issue we've been talking  
2 about today.

3 But certainly I can work with Mr. Mohajer. I  
4 think I need to get ahold of the original question he  
5 may have asked because I'm not sure I have that, but I'm  
6 sure he'll be more than willing to provide that.

7 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
8 Block. If you'll follow up?

9 LEGAL COUNSEL BLOCK: Just before you go onto  
10 the next speaker, if I can beg your indulgence.

11 One issue did, was raised as I sat down and I  
12 wanted to clarify because the question was asked and I  
13 actually think I didn't directly answer it regarding the  
14 urgency of the item today.

15 And I was understanding that as the urgency of  
16 the grandfathering clause issue and not necessarily the  
17 basic recommendation about the requirement, if you will,  
18 if you view this as a two part recommendation, the first  
19 part.

20 The only thing I wanted to make sure to let you  
21 know is we do apparently have some permits coming up in  
22 the next six months that will have multiple facilities  
23 that are currently where there are, is a non-disposal  
24 facility on site at a landfill. So it's not affected by  
25 the regulations, it's not the grandfathering issue,

1 where we're essentially looking for some direction on  
2 how you want us to deal with the conformance finding for  
3 those.

4 So at least as far as that part of the staff  
5 recommendation, that's an issue that's coming up before  
6 we'll be at a point where we're finalizing the regs  
7 which is really related to the grandfathering issue.

8 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank  
9 you.

10 We had some speakers that reserved their right  
11 to speak but didn't necessarily want to speak.

12 Chuck Helget, Denise Delmatier, and Theresa  
13 Dodge. And Theresa Dodge with the L.A. County  
14 Sanitation Districts co-signed a letter dated 8/19 that  
15 was sent to us, and she's available for clarification  
16 and questions.

17 Denise, did you want to speak?

18 MS. DELMATIER: Madam Chair and members of the  
19 Board, Denise Delmatier with NorCal Waste Systems.

20 Actually I wanted to make a little announcement  
21 prior to testimony, and I apologize for not providing  
22 this information to the Board members earlier, but this  
23 has all happened very, very fast.

24 And dovetailing on the discussion about the  
25 awards in Monterey and how well the staff has done and

1 the Board has done in promoting AB 939. As we speak the  
2 national NBC affiliate, the Tom Brokaw Show, is in San  
3 Francisco filming the Fantastic Three program, and we  
4 are receiving national attention for that program. And  
5 I thought the Board might want to know that.

6 And I think it's going to air Thursday night on  
7 the Tom Brokaw Show. So I think it's something we can  
8 all be proud of. We've all participated in promoting  
9 this kind of program. And it's, unlike the city of New  
10 York and doing away with programs, we're very proud and  
11 appreciate the staff's participation and the Board's  
12 participation in AB 939.

13 BOARD CHAIR MOULTON-PATTERSON: Thank you so  
14 much for letting us know. And we enjoyed hearing Mayor  
15 Brown, Mayor Willie Brown yesterday at our management  
16 forum, and he was talking about the Fantastic Three, and  
17 that's great.

18 Thank you very much. Okay.

19 With that we, if we want to finish up this item  
20 or if not we're going to have to take a quick break.

21 Does everybody have the revised resolution?  
22 Okay. Do we -- Mr. Medina.

23 BOARD MEMBER MEDINA: Madam Chair, I would like  
24 to move Resolution 2002-413 Revised, consideration of an  
25 appropriate method for making conformance finding for

1 permits, new or revised, that included multiple solid  
2 waste facilities as they relate to county-wide siting  
3 elements and non-disposal facility elements.

4 BOARD CHAIR MOULTON-PATTERSON: Do we have a  
5 second?

6 BOARD MEMBER JONES: I'll second it. I just --  
7 Madam Chair.

8 BOARD CHAIR MOULTON-PATTERSON: Go right ahead.

9 BOARD MEMBER JONES: I have a question. I  
10 think that the issue of the permit status, if this is  
11 conformance, we have another issue which is permit  
12 status when and if these regs get put through.

13 I just want to make Elliot, I think that some  
14 of the issue Mr. Eaton brought up, if we grandfather  
15 some of that stuff we're going to have a problem.

16 So not on this, but I just think we need to  
17 make sure that that's at the top of the page to make  
18 sure that we're not giving away more than what you and I  
19 kind of worked on here to ensure.

20 LEGAL COUNSEL BLOCK: I can't speak directly  
21 for the C&D regs because I haven't worked directly on  
22 those, but I do know that the compostable material  
23 regulations that you've now directed us to go out to,  
24 for another fifteen day comment period, do have another  
25 section that deals with existing facilities where



1 there's a change, and it provides for, essentially it's  
2 a transition period, but it does require them at the end  
3 of that transition period to have the appropriate  
4 permit.

5 BOARD MEMBER JONES: Thank you.

6 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
7 Jones.

8 Okay. We have a motion by Mr. Medina, seconded  
9 by Mr. Jones to approve Resolution 2002-413 Revised.

10 Please call the roll.

11 BOARD SECRETARY VILLA: Eaton?

12 BOARD MEMBER EATON: No.

13 BOARD SECRETARY VILLA: Jones?

14 BOARD MEMBER JONES: Aye.

15 BOARD SECRETARY VILLA: Medina?

16 BOARD CHAIR MEDINA: Aye.

17 BOARD SECRETARY VILLA: Paparian?

18 BOARD MEMBER PAPARIAN: Aye.

19 BOARD SECRETARY VILLA: Roberti?

20 BOARD MEMBER ROBERTI: Aye.

21 BOARD SECRETARY VILLA: Moulton-Patterson?

22 BOARD CHAIR MOULTON-PATTERSON: Aye. We'll

23 take a ten minute break.

24 (Thereupon there was a brief recess.)

25 BOARD CHAIR MOULTON-PATTERSON: Do you have in

1 ex-partes?

2 BOARD MEMBER EATON: No, Madam Chair.

3 BOARD CHAIR MOULTON-PATTERSON: Thank you. I  
4 have none.

5 Mr. Medina, any ex-partes?

6 BOARD MEMBER MEDINA: None to report.

7 BOARD CHAIR MOULTON-PATTERSON: Thank you.

8 Mr. Paparian?

9 BOARD MEMBER PAPARIAN: None.

10 BOARD CHAIR MOULTON-PATTERSON: Senator  
11 Roberti?

12 BOARD MEMBER ROBERTI: None.

13 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank  
14 you.

15 Even though everything has been approved on  
16 permits, LEAs, and facility compliance, I'd like to call  
17 on Mr. Paparian because he has some remarks, he's the  
18 chair of that committee.

19 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

20 Just a couple quick things, and I mentioned  
21 these at the briefing last week as well. And Mr. Walker  
22 might want to jump in on this too.

23 We approved several items on consent this  
24 morning, three, four, and five. Item six was pulled.  
25 Items seven and eight draw particular attention.

1           Item seven was the organics regs, and that's  
2   gone out for an additional fifteen day comment period.

3           Item eight is the C&D regs, and we are getting  
4   additional input on those regs.

5           Staff is going to work with the stakeholders on  
6   some of the issues and clarifications and is going to  
7   likely come back in September.

8           Item nine, a report on local enforcement  
9   agencies, enforcement orders was continued to September.

10          And item ten regarding the long term gas  
11   violation policy, the committee gave direction to start  
12   a regulatory process related to that.

13          BOARD CHAIR MOULTON-PATTERSON:   Okay.   Thank  
14   you, Mr. Paparian.

15          BOARD MEMBER PAPARIAN:   And I think, I don't  
16   know if Mr. Walker might have something to add to that  
17   too?

18          MR. WALKER:   No, that's a good summary and I  
19   have nothing to add.

20          BOARD CHAIR MOULTON-PATTERSON:   Thank you.  
21   That brings us to Waste Prevention and Market  
22   Development.   Mr. Jones, Chair of that committee, has  
23   already given his report.

24          I believe we have number 11 and 12 and 13 which  
25   all received committee consensus.

1 Ms. Wohl.

2 MS. WOHL: Correct. Good morning, Madam Chair,  
3 Board members. Patty Wohl, Waste Prevention and Market  
4 Development Division.

5 As you mentioned, all three of our items are on  
6 committee consensus. They were heard in both the  
7 Special Waste and Market Development Committee, and the  
8 Budget and Admin Committee. So I think basically  
9 everyone has heard the full presentation.

10 Agenda item 11 is consideration of allocation  
11 and a revised scope of work for the sustainable building  
12 technical assistance service contract for fiscal year  
13 2002-2003. This is in the amount of \$200,000, a hundred  
14 thousand dollars from IWMA, and \$100,000 from tires.  
15 The Board previously approved this scope of work.

16 We have made one minor change, I think really  
17 to strengthen it, on page three of the scope of work  
18 which is the bullet,

19 "Identify tire derived  
20 applications in building  
21 construction and develop a list of  
22 potential products that could  
23 utilize tire derived products."

24 So we think this could help in using tire  
25 derived products in green buildings in the future.

1           So with that, staff recommends that the Board  
2 approve option one, and adopt Resolution 2002-461.

3 A           Thank you. Any questions? Okay. Can we have  
4 a motion?

5           Mr. Paparian.

6           BOARD MEMBER PAPARIAN: Yeah, I'll move  
7 Resolution 2002-461.

8           BOARD MEMBER MEDINA: Second.

9           BOARD CHAIR MOULTON-PATTERSON: Okay. We have  
10 a motion by Mr. Paparian, second by Mr. Medina to  
11 approve Resolution 2002-461.

12          Please call the roll.

13          BOARD SECRETARY VILLA: Eaton?

14          BOARD MEMBER EATON: Aye.

15          BOARD SECRETARY VILLA: Jones?

16          BOARD MEMBER JONES: (Not present.)

17          BOARD SECRETARY VILLA: Medina?

18          BOARD CHAIR MEDINA: Aye.

19          BOARD SECRETARY VILLA: Paparian?

20          BOARD MEMBER PAPARIAN: Aye.

21          BOARD SECRETARY VILLA: Roberti?

22          BOARD MEMBER ROBERTI: Aye.

23          BOARD SECRETARY VILLA: Moulton-Patterson?

24          BOARD CHAIR MOULTON-PATTERSON: Aye.

25          Please leave the roll open for Mr. Jones when

1 he returns.

2 Okay, number twelve.

3 MS. WOHL: Agenda item twelve is consideration  
4 of the recycling market development revolving loan  
5 program, application for Work Training Center For The  
6 Handicapped, Inc. This is in the amount of \$34,000 for  
7 the purchase of equipment.

8 Staff recommends that the Board approve the  
9 loan contained in Resolution 2002-460 to the Center in  
10 the amount of \$34,000.

11 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank  
12 you.

13 Mr. Medina.

14 BOARD MEMBER MEDINA: Madam Chair, I'd like to  
15 move Resolution 2002-460, consideration of the recycling  
16 market development revolving loan program application  
17 regarding Work Training Center For The Handicapped, Inc.

18 BOARD MEMBER PAPARIAN: Second.

19 BOARD CHAIR MOULTON-PATTERSON: Okay. We have  
20 a motion by Mr. Medina, seconded by Mr. Paparian to  
21 approve Resolution 2002-460.

22 Without objection can we substitute the  
23 previous roll call?

24 Okay. That brings us to number thirteen.

25 MS. WOHL: Agenda item thirteen is

1 consideration of the recycling market development  
2 revolving loan program for Ability Counts, Inc.

3 And this is the in the loan amount of \$271,000  
4 to purchase polymer grinding equipment and working  
5 capital for the recycling of plastic hangers.

6 Staff recommends that the Board approve the  
7 loan contained in Resolution 2002-459 to Ability Counts  
8 in the amount of 271,000.

9 BOARD CHAIR MOULTON-PATTERSON: Okay. Any  
10 questions?

11 Mr. Medina.

12 BOARD MEMBER MEDINA: Madam Chair, I'd like to  
13 move Resolution 2002-459, the recycling market  
14 development revolving loan program application for  
15 Ability Counts, Inc. in the amount of \$271,000.

16 BOARD MEMBER PAPARIAN: Second.

17 BOARD CHAIR MOULTON-PATTERSON: Okay. We have  
18 a motion by Mr. Medina, seconded by Mr. Paparian to  
19 approve Resolution 2002-459.

20 Please call the roll.

21 BOARD SECRETARY VILLA: Eaton?

22 BOARD MEMBER EATON: Aye.

23 BOARD SECRETARY VILLA: Jones?

24 BOARD MEMBER JONES: Aye.

25 BOARD SECRETARY VILLA: Medina?

1 BOARD CHAIR MEDINA: Aye.

2 BOARD SECRETARY VILLA: Paparian?

3 BOARD MEMBER PAPARIAN: Aye.

4 BOARD SECRETARY VILLA: Roberti?

5 BOARD MEMBER ROBERTI: Aye.

6 BOARD SECRETARY VILLA: Moulton-Patterson?

7 BOARD CHAIR MOULTON-PATTERSON: Aye.

8 Mr. Jones, we left the roll open for your vote  
9 for number 11 and number 12.

10 BOARD MEMBER JONES: Thank you, Madam Chair.

11 Aye on 11.

12 Aye on 12.

13 BOARD CHAIR MOULTON-PATTERSON: Thank you.

14 Okay. Moving on to Special Waste, Mr. Jones  
15 has already reported, so we have 16, 17, and 18 which  
16 received committee consensus.

17 Ms. Willd-Wagner.

18 MS. WILLD-WAGNER: Yes, good morning, Madam  
19 Chair and Board members. Shirley Willd-Wagner with the  
20 Special Waste Division.

21 Item 16 will be presented here to the Board.

22 This is an update on the California Uniform Waste and  
23 Used Tire Manifest System.

24 As you're aware, it's a very critical component  
25 of SB 876, and staff from the Information Management



1 Branch has a presentation for you today kind of on the  
2 background of the development of the tire manifest  
3 system.

4 They've worked very closely with stakeholders  
5 and staff in the waste tire branch to develop a system  
6 that I think will really meet the intent of SB 876.

7 To introduce this and walk you through the  
8 process, Gary Arstein-Kerslake of the Information  
9 Management Branch.

10 BOARD CHAIR MOULTON-PATTERSON: Thank you.  
11 Great.

12 Nice to see you, Gary.

13 MR. ARSTEIN-KERSLAKE: Good morning, Madam  
14 Chair and Board members. Gary Arstein-Kerslake, Chief  
15 Information Officer for the Integrated Waste Management  
16 Board.

17 Doug Ralston and I are here today to provide a  
18 status update on the technical implementation of the  
19 waste tire management system.

20 The general order of our presentation will be  
21 that we're going to provide a background related to SB  
22 876 and the requirements.

23 We'll focus on the core components of the  
24 technical implementation.

25 And then we'll close with a discussion of where

1 we are in the process, the next steps, and the timeline  
2 on that.

3 And I will ask Doug to cover the overview on SB  
4 876 and the first three items with regard to technical  
5 implementation regarding the system requirements, the  
6 system design, and the detail forms development.

7 I'll come back and cover the scanning, the  
8 design and testing for that, the data design business  
9 processes work flow, and the print alternatives and  
10 electronic data transfer components.

11 And then Doug will close with the  
12 communications plan and website, and timeline of the  
13 next steps.

14 So Doug, with that.

15 MR. RALSTON: Madam Chair, Board members, my  
16 name is Doug Ralston, I'm with the Information  
17 Management Branch, and the project lead for the waste  
18 tire manifest automated system.

19 It's a pleasure to be here today and to talk  
20 about all the hard work that we've been doing over the  
21 last year and a half to two years.

22 What I'd like to do is to start with a few  
23 items on the background of the principal things that  
24 came through SB 876, and then move through how the  
25 automated system will address those specific

1 requirements.

2           As you see on the screen, SB 876 provided a  
3 number of changes to the way that the State of  
4 California, specifically the Board, will be doing  
5 business in regulating haulers, generators, and end  
6 users:

7           To increase the tire fee to one dollar.

8           Extended the fee to new car dealers and new  
9 tire dealers and used tires.

10          Redefined waste tire.

11          Increased the funds for the waste tire  
12 recycling and recovery.

13          Strengthened the enforcement through changes to  
14 the waste tire hauler and waste tire facility permits.

15          Required the development of a five year plan.

16          And as part of that also stipulated that there  
17 would be an automated waste tire manifest system to  
18 reconcile various loads, not only for enforcement  
19 purposes, but for, also to track the total volume of  
20 tires within the State of California.

21          Based on the statutes, the regs, and the  
22 business processes, these are some of the basic  
23 components of what the system has to contain.

24          There must be a manifest and trip log form  
25 completed for each load of tires. Load we're defining

1 as when the first tire goes on a truck to the time that  
2 the tire comes off the truck, there has to be nothing on  
3 at the beginning and there has to be nothing on at the  
4 end.

5 In between what we're tracking is who's picking  
6 up tires, where are they taking 'em, and who is  
7 accepting them.

8 The manifest must include hauler information,  
9 name, address, generator information, end use facility  
10 information.

11 Tire load measurement, type of tires, the load  
12 date, the origin of that load, and possible or intended  
13 uses of the tires that are being picked up, if it's  
14 known.

15 The bill requires that every generator, hauler,  
16 and waste tire facility operator be required to submit a  
17 legible copy of the manifest or the trip log to the  
18 Board.

19 The legislation also stipulated that it could  
20 be either paper or electronic format in the way that the  
21 information is submitted. And Gary will speak to more  
22 on the electronic format later in the presentation.

23 Bottom line, there had to be the ability to  
24 match, reconcile, and audit manifest information so as  
25 to account for loads and subtract for loads.

1           The objectives:

2           Ability to identify, for audit purposes, those  
3 entities that failed to meet timely submission of  
4 accurate manifest information.

5           The system has to have the capability to  
6 generate random samples of submitted forms for audit  
7 reviews.

8           There has to be the enforcement of PRC Section  
9 42961.5 concerning waste and used tires, and the  
10 increased compliance that goes with that.

11          It has to incorporate the existing waste tire  
12 hauler registration system as a core component of the  
13 overall system.

14          The Information Management Branch has been  
15 looking at the proposed waste tire manifest system for  
16 almost two years.

17          Looking back to the fall and early winter of  
18 2000, we in IMB, along with program staff, began to look  
19 at some of the key features of SB 876. And from an IT,  
20 or information technology viewpoint, tried to determine  
21 what might be the primary components and how might they  
22 be automated.

23          After coming up through some initial analysis,  
24 we began the actual documentation of that analysis  
25 through a feasibility study report and the budget change

1 proposal process.

2           The feasibility study report went through the  
3 Department of Information Technology at that time, and  
4 then was subsequently approved by the Department of  
5 Finance.

6           Together with the BCP, the automated system was  
7 funded beginning in fiscal year last year.

8           In that time what we have done is to take the  
9 analysis from the feasibility study and begin to put  
10 meat on the bones as it were.

11           Last fall we began a series of meetings that  
12 dealt with some of the key stakeholders. We had  
13 prepared for them a proposed system, or at least a form  
14 and an approach that we had decided would work. We  
15 floated that out there for them for comment and for  
16 review.

17           I think the thing to remember with this waste  
18 tire manifest system and certainly the analysis is it  
19 has been one of a development review comment,  
20 development review comment with the key stakeholders up  
21 and down the state from both the generator and the  
22 hauler as well as from the end users.

23           Last fall, in October of last year we began the  
24 actual focused meetings with the regulated community.  
25 We had a meeting in California, here in Sacramento which

1 pulled representatives from the Bay Area as well as the  
2 Central Valley and Northern California.

3 We have subsequently held a meeting in Southern  
4 California with those same key representatives. Those  
5 included folks from the hauler community, the  
6 generators, end use facility operators, and from local  
7 government.

8 Summaries of the meetings were met, or excuse  
9 me, developed and put out on the website for public  
10 review.

11 Subsequently we held public meetings, both in  
12 Northern California and Southern California, taking the  
13 information from the key stakeholders meeting and  
14 turning that around and refining our process.

15 We had a very good turnout in both Northern and  
16 Southern California, and learned a great deal in terms  
17 of how they do business and the way that they do  
18 business.

19 Likewise, a summary of the meeting and followup  
20 issues were provided to participants and also placed on  
21 our website for public review.

22 In addition, we've also taken the time to visit  
23 a number of tire hauler, generators, and end users.  
24 We've had the opportunity to sit down with them and ask  
25 how do you do business in light of SB 876? And how

1 might SB 876 affect the way that you do business? And  
2 where are we the same in terms of how we collect  
3 information or the information that needs to be  
4 collected?

5           We went on ride-alongs with drivers. We saw  
6 how they worked with the actual client in the field,  
7 looking at the interaction between the hauler, the  
8 paperwork they filled out, and what the generator or the  
9 end user was asked to give in that transaction.

10           Finally, we did a pilot testing of forms and  
11 processes this last spring that involved a number of key  
12 stakeholders, both in Northern and Southern California.  
13 And that too was a success.

14           It proved a number of things. One is that the  
15 approach that we're looking at fits a number of  
16 different business processes, whether it's a very  
17 sophisticated operation or one that may be more basic in  
18 its approach.

19           It also showed that the scanning approach that  
20 we had intended to use would function well in this  
21 environment, and be able to both scan and capture data  
22 from a high volume of users.

23           A summary of the basic analysis shows that the  
24 approach that we are using meets the stated legislative  
25 and programmatic requirements for closing the loop on



1 all parties.

2 It ensures the ability to accommodate all four  
3 waste tire hauler scenarios or alternatives. And we'll  
4 discuss those more in a minute.

5 It makes the process and procedure for form  
6 completion by generator, hauler, and end user facility  
7 the same regardless of the trip type.

8 And it develops forms that are standard, easy  
9 to use, and lend themselves to high volume processing.

10 Some of the specific business points that came  
11 out in the analysis were one form cannot meet the  
12 statutory requirements in supporting the four basic  
13 hauler types, and it can't meet the statutory  
14 requirements and complexities of the various hauler  
15 scenarios.

16 What I mean by that is there are different  
17 variations on the theme for the various trip types, and  
18 we'll talk about some of the complexities in a minute.

19 Rather, two forms are needed. One is for the  
20 manifest, one is the manifest form for both pickup and  
21 delivery, and the other is a trip log or a summary of  
22 the places where the hauler stopped, picked up, or  
23 delivered tires. Two forms to meet the requirements.

24 When you look at the type of trip types that  
25 there are within the hauler community, and within this

1 particular business set of opportunities, we see that  
2 there's a simple one to one picking up from the  
3 generator, hauling it, and taking it to an end use  
4 facility.

5           There's the multiple pickup, single delivery as  
6 shown in number two.

7           There's a single pickup, multiple delivery  
8 shown in number three.

9           And number four is multiple multiple, picking  
10 it up basically from any number of sites, dropping off  
11 during that course of that load at sites either to sell  
12 tires or to dispose of tires, and then picking up  
13 again. This is commonly referred to as a milk run.

14           One of the things that was very interesting  
15 that came out of the public testimony and the key client  
16 meetings was the variations on a theme that come through  
17 the various hauler scenarios.

18           And I think that reflects the complexities that  
19 businesses, the hauler community has, as well as the  
20 generators in dealing with waste tires, and what the  
21 Board is going to need to deal with in actually putting  
22 a system out there that recovers that information.

23           When we looked at the different types of hauls  
24 we found that there can be, for example, in number one,  
25 a California generator, that could be a Pep Boys or a

1 Goodyear, through a registered hauler, but it may be  
2 going to an out of country or out of state use.

3           There could be, as in number two, the common  
4 carrier -- excuse me, out of state coming in via common  
5 carrier for a California end use.

6           Likewise, in number three there could be a  
7 California generator going through a common carrier out  
8 of country or out of state use.

9           And then four, five, six, and seven as you see  
10 here also are variations on a theme.

11           In some instances we heard that trailers were  
12 being taken to Mexico filled with tires. Who fills out  
13 the manifest in that way? How can we track that  
14 information? When containers are picked up at the Board  
15 of Long Beach at 2:00 o'clock in the morning, who's  
16 supposed to be filling out the manifest for that, and  
17 how do we approach that from an automated system point  
18 of view?

19           You see there, through the seven different  
20 scenarios something that we had to deal with in terms of  
21 developing a system that would work in those  
22 eventualities.

23           Kind of a big picture view of how this system  
24 practically will work in the field. What we have is,  
25 and what the legislation requires, what we have is the

1   hauler picking up from a generator.

2           The generator and hauler will both complete a  
3 manifest form. We'll show the forms here in a few  
4 minutes.

5           The hauler will fill out the top portion with  
6 name, address, detail number. And the generator with  
7 their information, including the number of tires, type  
8 of tires, and the intended use.

9           Both will keep a copy of the manifest. And the  
10 generator at that point will be mailing a copy of that  
11 transaction back to the Board in a self-mailer.

12          The hauler will maintain a trip log. This log  
13 says and keeps information on every stop and every  
14 pickup that the hauler has made during that particular  
15 load. For every stop and pickup, the hauler has to put  
16 down how many tires were picked up, how many tires were  
17 unloaded, and to whom did he unload those.

18          We keep track of this information via  
19 cross-reference numbers on both the manifest and on the  
20 trip logs. And that will become a little more apparent  
21 as we go through the slides.

22          SB 876 requires that all forms be submitted no  
23 less than quarterly. In talking with program staff,  
24 there's the estimate of 150,000 loads yearly in  
25 California. If we're to take the scenario of each party

1 contributing to a manifest or a trip log, that means  
2 450,000 forms are possible for scanning or for  
3 submission to the Waste Board.

4 In our efforts to automate this system or to  
5 capture this information for the points I previously  
6 illuminated, we needed to be able to both scan and  
7 capture data off each form.

8 Consequently, the images of the form will be  
9 available via automated retrieval by waste tire program  
10 staff for reviewing manifests and any auditing and  
11 enforcement they may be doing from that.

12 So really we're doing two things; capturing a  
13 picture of that hard copy form, and capturing the data,  
14 and then being able to relate those two should there be  
15 a question.

16 The forms themselves will be optical character  
17 read or OCR for short. What they will be doing is  
18 scanning the manifest number and trip log number,  
19 matching those up, and then being put into a database  
20 from which they can be later recalled.

21 All the CIWMB identifiers will use a check sum  
22 in the hauler log number and the manifest number. The  
23 check sum is really a small formula that goes in and  
24 tells us if a transposition of numbers has taken place  
25 during any particular transaction.

1           For example, if I'm a hauler and I write out my  
2 log number on the top of the manifest form in a  
3 transaction with a generator, and I happen to transpose  
4 the numbers when I put down my log number, the system  
5 will catch that and flag that form as an error.

6           It's a way to increase the integrity of the  
7 data, to try and catch errors up front. But this is a  
8 somewhat sophisticated approach to try and make sure we  
9 get the information accurate from the very beginning as  
10 we go through the automated process.

11          All fields will have validation rules to the  
12 extent possible to ensure high data integrity and  
13 accuracy.

14          For example, if we're looking through and  
15 scanning information from this form, putting it into a  
16 database, and the data that we're scanning is beyond a  
17 parameter that we've set, whether it be a numeric or  
18 some sort of sequence, the scanning database software  
19 will flag that particular form for review by one of the  
20 waste tire program staff, and corrections made or at  
21 least followed up on to ensure accurate information.

22          The Web based on-line form submission will be  
23 part of this system. And that goes back to one of the  
24 stipulations of the SB 876.

25          Let's take a look at the forms. Two forms are

1 to be developed, the Waste Tire Manifest Form, and then  
2 the Used Waste Tire Trip Log Form to be completed by the  
3 registered waste tire hauler.

4 And I believe you have handouts up there that  
5 have a rendering or a copy of the manifest and the trip  
6 log form.

7 The waste tire manifest form will be in two  
8 parts, completed by the generator or the end use  
9 facility operator.

10 If you're a generator, if you're a Pep Boys or  
11 a Goodyear, you'll be filling this out along with the  
12 tire hauler. You will fill out the bottom portion, the  
13 tire hauler will fill out the top portion.

14 If you are a permitted facility accepting  
15 information -- accepting information? -- or accepting  
16 tires into your facility, you would be filling out the  
17 bottom portion, and the tire hauler would be filling out  
18 the top portion.

19 The information we're collecting from both the  
20 beginning or the hauler -- excuse me, the generator and  
21 the end use facility being the same information.

22 When we look at the top portion of the form,  
23 what we see is in the upper right hand corner a manifest  
24 number. This is a number for that particular  
25 transaction between that hauler and that generator.

1 It's unique, it is not used anywhere else in the system,  
2 nor will it be again.

3 The top portion shows the type of pickup that  
4 they're doing or the type of load they're doing, whether  
5 it's a pickup or delivery, and also shows whether it's  
6 being imported or brought in from outside California or  
7 outside the U.S.

8 Likewise for delivery, is it being exported out  
9 of the state or even out of the country.

10 All our business name, including the hauler's  
11 telephone number are included.

12 We have load date information and the log  
13 number.

14 For the hauler, the hauler for each load will  
15 fill out a trip log. That log will have a unique  
16 number. That number goes here on this manifest form,  
17 and it's one of those cross-referenced pieces that we  
18 talked about earlier.

19 In addition, we'll have information on the  
20 hauler's vehicle, the license plate number and the Decal  
21 number, both of which are within our existing waste tire  
22 hauler registration system.

23 If the load is exempt, you see a portion there  
24 dealing with the type of exemption that can be checked  
25 by the hauler so that they do meet the intent of AB 876,



1 and also for any enforcement that may be going on should  
2 they be stopped by the CHP.

3 Finally, there's a signature line and print  
4 line for the driver's signature and the date.

5 The bottom of the forms deals with the  
6 generator or the end use facility. Tire program I.D.  
7 is the first block of information you see in the upper  
8 left-hand corner. In order to identify and to keep  
9 track of all the regulated community within this  
10 automated system, it became necessary to provide each  
11 one with a unique number that would identify them to the  
12 system.

13 For the waste tire haulers who already have a  
14 number, that number will be incorporated and be their  
15 tire program I.D. number. We're not making them keep  
16 two numbers.

17 The generator will put in the load amount and  
18 then the load type and how it's being measured. They  
19 will also put in there the amounts of tires broken down  
20 by tire type, and then the intended use. The business  
21 name of the generator and their phone number, comment  
22 area, which is shown in the bottom right-hand corner,  
23 along with the signature line and the rep's signature as  
24 well for printing.

25 Let's take a look at the log form. As I

1 mentioned, for each trip the hauler will need to fill  
2 out a trip log form.

3           The log number in the upper right-hand corner  
4 likewise is unique, it won't be used again, and is the  
5 unique number for that particular load on that  
6 particular day.

7           You see the detail number and the load date?  
8 Again, this identifies the hauler to the automated  
9 system based on our existing waste tire hauler  
10 registration system, as well as having space there for  
11 their name and their telephone number.

12           The lines that are shown below manifest number,  
13 load type, and load amount indicate that each individual  
14 stop or pickup or delivery that that particular hauler  
15 made on that particular day for that particular load.

16           And what we're capturing here is the manifest  
17 number from each transaction that they've had with the  
18 generator or the end user.

19           Having that unique number identifies that  
20 transaction to that particular load so that we can  
21 reconcile then and begin to show, based on a sequence,  
22 the generator's transaction with the hauler, the  
23 hauler's transaction with the end use facility.

24           You see there the same kind of information,  
25 pickup and delivery, load type, weight, load amount.

1           For CHP purposes and enforcement, this gives  
2 the officer a very quick look at what's on the -- excuse  
3 me, what's on the truck, and also an indication of  
4 what -- excuse me, where the particular hauler has been.

5           As I mentioned earlier, the generator and  
6 hauler on their transactions will each keep a copy. In  
7 addition to this trip log, the hauler must have in his  
8 position a copy of the manifest from the previous  
9 transaction, whether it be through the hauler -- excuse  
10 me, the generator or the end user. So those two things  
11 together comprise the things that he needs to have in  
12 his possession.

13           What we he needs to provide the Board is a copy  
14 of his trip log that says here's where I went on this  
15 particular day, and here's the manifest, here's the  
16 transactions I participated in.

17           Those numbers, both in the log and from the  
18 manifest begin our audit trail.

19           In putting together this approach with this  
20 automated system, one of the things that we wanted to  
21 make sure that we did was to test it early on in a field  
22 setting. And we did this this last March.

23           We did it both in Northern California and in  
24 Southern California. We provided the participants,  
25 first part of March, with a full days of training as we

1 went through what the process is and how they were to  
2 use these particular forms.

3           The objective in doing the field test, to find  
4 out if we had any holes, to see what worked, to see what  
5 didn't work, and to try to make this particular process  
6 usable and have utility for the hauler, generator, and  
7 end user.

8           You can see the participants and who they were  
9 based on geographic locale.

10           And just a note on that, we picked those who  
11 had expressed interest in the waste tire hauler manifest  
12 system -- excuse me, waste tire manifest system, as well  
13 as those who were both, who could have been generator  
14 and hauler or even end use within their particular  
15 facilities, covering more than one role.

16           We wanted to go for folks that were in less  
17 than a heavy urban area, but maybe be in the central  
18 valley or maybe doing work in rural areas. So we tried  
19 to get a good cross section of locales in which to test  
20 that.

21           The field test results were that the business  
22 processes and the relationships were validated for all  
23 three of the regulated clients in this particular  
24 automated system.

25           The forms we had to make a little more easy to

1 use and to understand. And I think it's noteworthy to  
2 say since we began this analysis a year and a half, two  
3 years ago, we have stripped a lot of information off the  
4 form that we have come to see as being not essential or  
5 strictly pertinent to a transaction, all with the idea  
6 of, one, maintaining the integrity and the intent of SB  
7 876 for auditability and accountability, while at the  
8 same time attempting to make the process easy for the  
9 regulated community to use.

10 We found that the haulers are really the key  
11 entity in this whole process. They are the people who  
12 are in between and who make a great deal of effort,  
13 often to provide their generators or their pickup spots  
14 with the necessary information for that generator to  
15 participate.

16 They performed administrative services like  
17 typing up or preparing invoices for them so that the  
18 generators don't have to do that.

19 We also found that confidentiality among all  
20 three parties as to their volumes, tires, locations,  
21 loads was very, was extremely, was extremely important  
22 to them.

23 In our test we approached two high volume  
24 haulers, Golden By-products out of Merced, and Lakin out  
25 of Santa Fe Springs, both of whom have automation

1 practices in place for routing, invoicing, and tracking  
2 tire loads.

3 Routing is a key to the large business  
4 operation, and is tied to a variety of business  
5 processes such as their own accounts receivable,  
6 accounts payable.

7 Large operations perform much administrative  
8 paperwork, as I indicated, for generators in advance.  
9 And wanted the ability to do pre-printing of the forms  
10 that we're going to be requiring them to use, and trip  
11 logs.

12 This speeds up the manifest form and trip log  
13 pre-printing and routing process. And is also something  
14 that we could do, I think from this end, to help make  
15 the system more usable in that size of an operation.

16 But bottom line, the waste tire manifest system  
17 approach as we're proposing it will work in any  
18 circumstance, whether it's a very sophisticated  
19 operation or whether it's a very small operation. The  
20 format, the transfer of information, the submission of  
21 information will work, and will be submitted in  
22 generally the same way.

23 When we look at the big picture again, this  
24 time with the various numbers involved in terms of the  
25 manifest and the log numbers, you begin to see that

1 there is a cross-referencing between the hauler and the  
2 generator.

3 If you look under manifest number, the pink  
4 here shows that number of 258757. If you look in the  
5 center block there you'll see pickup generator one,  
6 258757, and the number of tires.

7 If you look on the hauler manifest side there  
8 you'll see something in red, it's the log number, and  
9 it's the log number for that particular load for that  
10 particular day.

11 The manifest for the generator has the log  
12 number such that the generator, if he wanted to know if  
13 his load made it through, could use that manifest number  
14 to check to find out if his load cleared, and was it  
15 sent or disposed of at an appropriate facility.

16 The cross-referencing of numbers both on the  
17 front end and then on the back end between the hauler  
18 and the end user likewise supports that accountability  
19 and that auditability of a particular load.

20 What this also shows is that it is common  
21 practice for many haulers to pick up tires, and then as  
22 they're going through their route to pull some tires for  
23 resale, even as they're going through their pickups and  
24 deliveries.

25 Consequently, you see there reflected that

1 while the hauler picked up eighty tires, forty from each  
2 generator, he delivered them in a different amount to  
3 end use facilities.

4 This is important because we have to be able to  
5 account for an entire load, and being able to do that  
6 such that we have the ability to see specifically how  
7 many tires went to what individual end use facility.

8 It's not always going to be a neat pick up  
9 forty, deliver forty, it's going to be very variation in  
10 between. That's why two forms on this wouldn't work.

11 That's why we have the hauler trip log to be  
12 able to show not only pickups and deliveries, but also  
13 the number of tires delivered to what facilities.

14 You see also in this big picture view that each  
15 of the participants in the process has to deliver or  
16 send to the Board a copy of the transaction, whether  
17 it's the manifest or the trip log. These are the forms  
18 that will be scanned and accounted for, and the auditing  
19 will be placed on them.

20 If I pull this up on the next slide you'll be  
21 able to see it a bit more clearly. Manifest number ties  
22 to the hauler's trip log, and his trip log ties to the  
23 number on the manifest.

24 One of the questions that had came up initially  
25 was, "What happens if somebody doesn't submit in this



1 chain of yours?"

2 Well what we've done here is try to show how,  
3 in most instances, even if one or even two of the  
4 parties don't submit we still have the information that  
5 we can audit the load by.

6 The far right hand column says "Information  
7 Loss." What that refers to is automated system. It  
8 doesn't refer to waste tire program staff actually  
9 picking up a document and following up from there, and  
10 I'll explain that in just a second.

11 What you'll see in the top row where it says  
12 sent by all three parties, that would be a clean load.  
13 If you look on the second line, say that the generator  
14 does not send in their document, the hauler and the end  
15 user do, and from that two sets of forms we have enough  
16 information to reconstruct the load, remembering that  
17 the hauler has every place that he stopped and picked up  
18 noted on that particular form.

19 If perhaps the hauler does not send in his  
20 information, but we get the information from the  
21 generator and end use, likewise we can reconstruct the  
22 load.

23 Using the log number we can also then contact  
24 the hauler to find out where his copy is and why it  
25 wasn't submitted.

1           Likewise you see through the other variations  
2 and combinations there what would be gained and what  
3 would be lost from an automated system point of view if  
4 they didn't submit.

5           When we say, for example, in the bottom one  
6 where the generator and hauler both do not submit but  
7 the end use does, we have a point to start there.

8           And while the automated system may see just the  
9 one form being submitted, waste tire program staff have  
10 the opportunity then to pick up from that particular  
11 document that was sent in, put what the log number was,  
12 and therefore the log number determine the hauler, and  
13 then from the hauler figure out why and where the copy  
14 of his trip log is such that the load can be recounted  
15 or accounted for.

16           That's a brief overview of the basic system and  
17 where we've been over the last year and a half to two  
18 years. It's been a lot of work and we still have some  
19 work ahead of us. But I think you can see that we put  
20 considerable thought and analysis in how we can approach  
21 this system that would be both cost efficient as well as  
22 cost effective.

23           Gary will speak more to the scanning and to the  
24 actual database and recovery through the scanning  
25 process. But knowing this information as you do now, I

1 hope you can see some of the complexities of the waste  
2 tire business perhaps in California.

3 Certainly we, this was an education for us, and  
4 it's one that we see as a challenge and certainly  
5 doable.

6 Gary.

7 MR. ARSTEIN-KERSLAKE: Thanks, Doug. I think  
8 you can see from Doug's presentation here, he has  
9 devoted a lot of energies to learning about how the  
10 system works. And I believe while some people go to  
11 sleep at night and count sheep, for Doug it's tires  
12 getting loaded on a truck, I think.

13 So one of the other things on that last slide  
14 that Doug showed when he showed the various options with  
15 regard to form submittal, one of the things we're trying  
16 to take into account for is we're trying to build the  
17 system to be as flexible as possible, because we know in  
18 the real world forms may get lost within the mailing  
19 process, forms may get lost when they get them in the  
20 mail and it doesn't get them in there.

21 We want to build a system where we have a  
22 reasonable number of cross checks on it so that we can  
23 reconstruct or make program-related decisions regarding  
24 that information.

25 As an example, if one of the manifest forms

1 were to be lost, for instance, in the mail, and yet all  
2 the other information about that load indicates for the  
3 program division that the load is reconciled in the  
4 sense that we're accounting for all those that got  
5 loaded on and got then disposed of at an appropriate  
6 facility, then they can make an administrative decision  
7 to say we administratively accept this load as a  
8 complete load even without actually having to receive  
9 this final piece of paper.

10 Too, and also one of the other things in the  
11 system too, there's reasonable levels with regard to cut  
12 points on it with percentages accurate in the event that  
13 it's a large load that may be based on tire counts.

14 If the total count near the end is off by one  
15 or two tires, again that's the sort of thing that we  
16 want to build the system so they can make the  
17 administrative judgment to say, "That's pretty darn  
18 accurate, we're going to accept that one."

19 So we can build cut points in there based upon  
20 the criteria they provide to us with regard to the  
21 flexibility in terms of the administrative followup on  
22 the system.

23 Regarding the scanning system design here,  
24 Doug's covered the system requirements and general  
25 system design and forms development, and I want to talk

1 briefly about the scanning system, the data design  
2 processes and work flow, and then the discussion of the  
3 print alternatives and electronic submission  
4 alternatives.

5           This is a complex system, I think you can see  
6 that. There's complex business processes. When we  
7 first started out we didn't fully appreciate that, but  
8 following from our interviews from the folks that work  
9 in the tire hauling business and the generators and end  
10 users, we understand now that there are a lot of  
11 variations on the theme, and the system needs to  
12 accommodate that complexity, and at the same time be  
13 administratively efficient.

14           The scanning system needs to allow for forms to  
15 be submitted out of order in terms of a business  
16 requirement there, because we know if it's a process  
17 where we're using the mail, and in some cases some folks  
18 will be very timely and in other cases others will delay  
19 a little bit, and we also know that there's just  
20 variations in the mail system normally.

21           So the system needs to accommodate things  
22 coming in out of order.

23           It needs to allow for partial submissions, as  
24 Doug had shown that, how we've got some cross checks in  
25 the system with that.

1           And that we need to close the loop of  
2   accountability so that there are automated audits that  
3   are available.

4           For instance, if a trip log indicates that  
5   we've got five pickups and deliveries, then we should  
6   receive that many manifest forms for the load. So  
7   that's a simple automated check for us.

8           If the combined amount of tires picked up on a  
9   lot, the combined amount of tires picked up on a load  
10   should equal the amount of tires then that are shown on  
11   the dropoffs for the, or the deliveries for that load.

12          Incomplete and unreadable forms. Those forms  
13   can be flagged for audit by staff. So the automated  
14   system needs to accommodate all those things.

15          Quickly to recap what Doug had, Doug had shown  
16   this slide earlier. The point here is that we have, we  
17   are checking based on the manifest numbers.

18          The manifest numbers cross check to the trip  
19   log. The trip log cross checks to the manifest. The  
20   total tires, and then again from the automated system,  
21   the total tires picked up should equal the total number  
22   of tires delivered.

23          Everyone that is in the system should have a  
24   program I.D. so we can flag that on the system too to  
25   identify that they are a valid entity known in our

1 system.

2           The, a quick and brief comment regarding the  
3 check sums, because you may not be familiar with that.  
4 It's actually something that is used, it's somewhat  
5 sophisticated but used a lot.

6           For instance, on your credit cards there is a  
7 check sum number in your credit card stream there. We  
8 don't think anything about it, we just enter our credit  
9 card number at different times. But that has the value  
10 then that that can be validated coming in, because I'm  
11 sure you all have the experience when you give somebody  
12 your phone number, talk to them over the phone and you  
13 give them your phone number, they read it back to you  
14 and they've transposed digits. That's precisely the  
15 reason to have a check sum number in there, so you can  
16 tell if that has occurred, and you can quickly flag  
17 that.

18           The, so here this just briefly shows how we're  
19 having sort of the cross validation, the linkage between  
20 those different components.

21           This is a process flow that we've envisioned in  
22 a very simple sense here. Over on the left you're  
23 seeing the paper process where the manifest forms and  
24 trip log forms are created in the field.

25           They are mailed to us on a pre-paid mailer

1 coming into a post office box that has been established  
2 already and the account prepaid on that.

3 They then will be opened and scanned into a  
4 scanning work station system.

5 That information then, there's two ways in  
6 which we capture that information.

7 On the one hand we capture it just as a picture  
8 so it's an image of it capturing, that effectively  
9 captures the signature, and it will capture any other  
10 marks that happen to be on there, accidental marks, but  
11 the signature, it's a full picture of it.

12 The data goes through an OCR scanning where we  
13 go through and do recognition on some of the information  
14 on the form. And it actually is a relatively small  
15 amount of information that we're capturing off the form,  
16 and most of it is numeric information.

17 And as I indicated also, because we are, some  
18 of that information is date field, so we can do  
19 validation there.

20 Some of the information has got check sums on  
21 it, so we can validate it right there.

22 So we think we're going to be able to get a  
23 very high level of reliability on that.

24 That data, once it gets scanned in as data,  
25 goes into a queue you might say where sort of



1 transactions get put in there for processing. Then we  
2 apply business logic against that, and if everything  
3 checks out it's going to go into our administrative  
4 system you might say. If there's errors it goes into  
5 another, gets flagged in a different way, and then we  
6 have followup as appropriate on that.

7           At the bottom there you can see that we have  
8 the reconciliation of the load information, that the  
9 images then could be used there in the event that it is  
10 flagged and needs followup by program area staff.

11           Enforcement actions. That information will be  
12 available for enforcement actions in the event that we  
13 have discrepancies, so they've got the image of the form  
14 and they can then take that information, other  
15 information for potential enforcement actions, various  
16 administrative tasks, and reporting requirements too.

17           We're going to be able to take that information  
18 from the tables, and we'll be able to generate, this is  
19 for the perspective of understanding better the total  
20 amount of tires generated in the state, and where that  
21 generation occurs, etcetera, etcetera.

22           On the scanning prototype we have successfully  
23 installed and tested the software and the equipment. As  
24 Doug indicated, we have done the form design on this,  
25 and have gone through quite a few iterations of that.

1 And we just today or yesterday got back the final forms  
2 from Scantron that represent what is really ready to go  
3 forward on the system.

4 The data capture, we were able to achieve or  
5 are going to be able to achieve, we believe, 99 percent  
6 plus accuracy.

7 And I think the key point here is that as you  
8 start to get at a high percentage, things look very good  
9 from an administrative perspective. And we could drop  
10 down there a bit, say 97 percent accuracy, and still  
11 have a pretty efficient system. As we drop lower than  
12 that it takes a lot more administrative overhead, that's  
13 why what we want to do is have that accuracy as high as  
14 we possibly can.

15 The imaging piece on it, we pull that in as an  
16 image, we transfer that to the database as I indicated.

17 And the system, the scanning system can run  
18 quite fast. Its rated speed is greater than fifty pages  
19 per minute. The, if you recall Doug's earlier numbers  
20 on it, we anticipate not getting more than 2,000 forms  
21 per day on average. Even if we batched those we still  
22 think we could handle this fine within the context of  
23 the current system.

24 To begin with we will be doing the scanning  
25 in-house on this because we need to understand

1 specifically what some of the problems are that we're  
2 dealing with here. We've designed it in such a way that  
3 there could be flexibilities with regard to where the  
4 actual functions are performed.

5 Forms design. I think we've touched on that,  
6 okay.

7 High speed scanning.

8 The proof of concept we've conducted. We've  
9 completed that. That's been a completed document that's  
10 available on the website which Doug will talk about a  
11 little later on.

12 And we also went, did an analysis at a detailed  
13 level with regard to business processes and defining and  
14 refining those business processes. And I'm going to  
15 show you here high level, detailed entity relationship  
16 diagrams and the system flows.

17 I'm just going to give you a quick  
18 walk-through, and actually I'm not going to ask you to  
19 read the small letters on that because I certainly  
20 couldn't do that either.

21 But what I wanted to convey there, the entity  
22 relationship diagram is the result of the analysis of  
23 the requirements of the system and the linkages between  
24 the system. So in a way that information that you show  
25 there, that we have there is the information that we're

1 going to capture, and the lines connecting it are those  
2 relationships or the linkages that we have to have, for  
3 instance, between the manifest and other things. And  
4 haulers who have a program I.D., for instance, and other  
5 folks in the program I.D. --

6 BOARD CHAIR MOULTON-PATTERSON: Gary, if I  
7 might interrupt for just a moment, this is so important  
8 and such a fine presentation. I know that at least one  
9 member has a meeting right now. About how much longer?  
10 Because maybe we should come back and finish this after  
11 lunch. I don't want to shortchange anyone.

12 MR. ARSTEIN-KERSLAKE: Would ten minutes be  
13 okay?

14 BOARD CHAIR MOULTON-PATTERSON: Should we break  
15 for lunch and finish this after?

16 I think we will go ahead and take a break  
17 because I know there are lots of questions.

18 MR. ARSTEIN-KERSLAKE: Okay.

19 BOARD CHAIR MOULTON-PATTERSON: I did want, we  
20 will meet time certain for the meeting at 2:30.

21 Senator Roberti is, there's a reception for  
22 Senator Roberti between 1:30 and 2:30 in the first floor  
23 training room, and all of you are, of course, invited.  
24 And so I did want to announce that.

25 And again, I apologize to have to break in the

1 middle.

2 MR. ARSTEIN-KERSLAKE: Sure, no problem.

3 BOARD CHAIR MOULTON-PATTERSON: But if you  
4 wouldn't mind coming back at 2:30, then we can have our  
5 questions answered.

6 MR. ARSTEIN-KERSLAKE: Okay. Great.

7 BOARD CHAIR MOULTON-PATTERSON: Thank you so  
8 much.

9 MR. ARSTEIN-KERSLAKE: Thank you.

10 (Thereupon the luncheon recess was taken.)

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1 AFTERNOON SESSION

2 --oOo--

3 BOARD CHAIR MOULTON-PATTERSON: I think we can  
4 go ahead and get started. We're still missing a few  
5 members, but I think we can get started.

6 Mr. Eaton, do you have any ex-parte?

7 BOARD MEMBER EATON: No, just calories.

8 BOARD CHAIR MOULTON-PATTERSON: Okay. Mr.  
9 Medina?

10 BOARD MEMBER MEDINA: Just George Larson.

11 BOARD CHAIR MOULTON-PATTERSON: Okay, Mr.  
12 Paparian.

13 BOARD MEMBER PAPARIAN: Just a brief  
14 conversation with John Cupps and with George Larson.

15 BOARD CHAIR MOULTON-PATTERSON: Okay. And I  
16 have none other than just saying hello to John Cupps and  
17 Steve Maguin.

18 BOARD MEMBER EATON: I also said hello to Steve  
19 Maguin, but it was subsequent to the vote.

20 BOARD CHAIR MOULTON-PATTERSON: Okay. Would  
21 you like to continue? And I again apologize for having  
22 to interrupt your presentation.

23 MR. ARSTEIN-KERSLAKE: Thank you. No problem  
24 at all.

25 I realize there's a fair amount of detail

1 here. We're actually pretty close to the end on this.

2 And one of the things that I had left off with  
3 earlier is we had that complicated design that was the  
4 database design, and what that actually implemented was  
5 the linkages between the forms. You might think between  
6 the regulated industry that's the regulated entities  
7 that are in the program. So those linkages are a very  
8 real thing.

9 And I'm not going to go into details here other  
10 than to show this is part of what we do with regard to  
11 detailing, that the business rules that we have in terms  
12 of requirements that these three things add up, and if  
13 they don't add up can, you know, this action needs to be  
14 taken. That is effectively what is shown here in this  
15 process flow.

16 And I'm just conveying this just for the sake  
17 of showing you that there's a lot of time that has been  
18 spent trying to take this complex system and fully  
19 develop all the logic on that so that as things come in  
20 through the top and process down, to recover all the  
21 different options and alternatives that are available  
22 and end up with a system that's going to be effective  
23 from the perspective of the folks that are going to be  
24 administering the program here.

25 And this one is just on the paper manifest, and

1 it gets to the part, if you remember, that we had the  
2 queue where the information went into and it got ready  
3 for processing.

4 If you'd like to flip that one over, Doug. And  
5 you can see there's lots in that one.

6 On the next page here is the logic one, and if  
7 we're pulling that kind of information out of the queue  
8 now and making decisions on it.

9 This all translates ultimately into what's  
10 called pseudo code which then gets translated into the  
11 actual computer code that will be the program that we'll  
12 run.

13 And that's all that I have on the process logic  
14 there and the data flow diagrams.

15 But what I would like to talk about now quickly  
16 is the print alternative and electronic data transfer  
17 options that we're moving forward on.

18 One of the things we found when we met with the  
19 regulated community was that they, in many cases they  
20 preferred to pre-print their forms. They currently are  
21 pre-printing logs and pre-printing manifest forms.

22 We wanted to be able to provide that same  
23 option for them in the new system. And so one of the  
24 things actually, if you look at the design of the form,  
25 we've modified that form to make it effective for them



1 to be able to feed that through the standard kind of  
2 printer that they use for printing multiple print  
3 copies.

4           Those are the sorts of printers we don't use  
5 here, but it is the kind of, what's called an impact  
6 printer, that prints through multi-part. That will  
7 allow them then, if desired, to use our form for  
8 pre-printing.

9           And even to the point, for instance, where we  
10 would allow them to put, there's a comment area that we  
11 have space we've left on the form, and that could be a  
12 value for them that we found out in terms of some of the  
13 information they'd like to put on the form for their  
14 business needs. So it meets our business needs, meets  
15 their business needs, and we've tested this.

16           We've also, one of the things we've done is  
17 we've put in, we've created a small program that would  
18 be sort of a template program that will also provide,  
19 free of charge, for those folks that may not have that  
20 level of automation, they can take that simple program  
21 and use it for pre-printing the forms if they desire.  
22 So it's sort of a template, they can take it and do  
23 other things with it if they wish to, but it's a  
24 template to allow them to pre-print the forms.

25           Now that would meet some of the needs. Some of

1 the organizations are really quite sophisticated with  
2 regard to the business processes and automated  
3 capabilities that they have in place right now, and we  
4 have always envisioned, and it's in the statute, to have  
5 the capability for electronic data transfer.

6 What we have done is we have basically moved up  
7 the schedule on the electronic data transfer piece  
8 because, and we are evaluating proof of concept on that  
9 too.

10 One of the reasons that we've done that is that  
11 we want to allow the capability for the data transfer.  
12 The program elements that we have on that would be that  
13 we would implement a pilot project for a relatively  
14 small number of hauler participants to begin with on it;

15 We'd establish the criteria for who would be  
16 engaged in that pilot project;

17 The electronic information would be submitted  
18 to Integrated Waste in a format that's prescribed by  
19 Integrated Waste.

20 But one of the things that is important about  
21 this is that the folks that have more sophisticated  
22 automated systems are capturing currently most of the  
23 information that we have, that we require for the  
24 manifest process for their own business needs. So  
25 effectively we believe we can provide the opportunity

1 for them to give us the information in an alternate  
2 format that would be actually more efficient for us and  
3 for them.

4           The, and of course we still have to ensure the  
5 auditability capabilities with the system.

6           The benefits would be improve data integrity  
7 and timeliness, or the potential for it, certainly.  
8 Because rather than going through a mailing schedule, we  
9 actually get this data transmitted electronically.

10           It would reduce the paper processing and  
11 mailers, and mailing on the part of the haulers.

12           It would reduce the administrative overhead on  
13 our part. To the extent we can be successful with it it  
14 means less paper processing, and paper means people  
15 processing. Even though we've got a pretty  
16 sophisticated automated system for scanning this in,  
17 getting in an electronic format right off the bat meets  
18 some of our goals with regard to reduce paper use and it  
19 will be more efficient from an administrative  
20 perspective.

21           And of course we want to work within the  
22 existing business processes where possible for the  
23 community affected. So that in the sense that if they  
24 are, if they are capturing this information currently,  
25 you know, as I indicated, we come up with an approach

1 such that they can then provide that information and the  
2 other information they require to us in a secure  
3 fashion, then I think it's mutually beneficial.

4 With that, I'd like to turn it back to Doug who  
5 will talk about the communication plan and timeline.

6 MR. RALSTON: Thank you, Gary.

7 I'll go through the next piece of this which is  
8 actually getting this information and the system out to  
9 those who will be using it and who will be regulated by  
10 it.

11 We have a communication plan that's been put  
12 together, and this revolves around getting trainings to  
13 all those of the regulated community, the generators,  
14 haulers, and end users.

15 We'll also be inviting local government, those  
16 with fleet operations such as school districts, to  
17 participate in this training to know what their  
18 responsibilities are under the SB 876 reporting.

19 We have plans to do training in Northern  
20 California, perhaps Redding, Sacramento, the Bay Area,  
21 several locations there; then in Southern California as  
22 well as the lower or Southern San Joaquin.

23 We will be offering these venues or these  
24 trainings in both English and in Spanish. We will  
25 provide training materials in both English and in

1 Spanish.

2           And we will be able to provide focused training  
3 for those special client groups or where the opportunity  
4 arises for a specific group such as Les Schwab, for  
5 example, offered to have us come out when we're ready to  
6 implement this and speak to their Northern California  
7 managers meeting that they have every quarter. We've  
8 had other kinds of offers or suggestions as to how we  
9 can better get the word out, particularly for those  
10 members of the newly regulated community.

11           In looking at the training materials, there  
12 will be a packet that we will provide during the course  
13 of the training, as I've indicated, but also we want to  
14 provide additional assist to the drivers.

15           The hauler driver is really kind of the key  
16 person in this whole system and in this whole rollout.  
17 And it's imperative that they understand what the  
18 process is.

19           And in the time that I had to actually ride out  
20 with some of the drivers for Tri C in West Sac, what  
21 appeared to me a very useful tool would be their having  
22 plasticized instructions, perhaps more graphic than  
23 text, but also perhaps even a pocket guide that would  
24 say in this instance this is who fills out the form and  
25 who doesn't.

1           Those are some of the things that we're  
2   investigating. We're also talking to industry, to some  
3   of the haulers about what they would see as an  
4   appropriate training guide, and something that would go  
5   on with the driver to ensure that the program is  
6   actually implemented exactly where it needs to be, which  
7   is out in the field.

8           Training videos. We're looking at providing  
9   two training videos, one in English and one in Spanish.  
10   The industry asked for this. They indicated, such as  
11   Golden By-products said, that they often hold meetings  
12   for their generators, they being the hauler, holding  
13   meetings for their generators, and would love to be able  
14   to provide this kind of a service to them so that each  
15   of the generators knows what their responsibilities are.  
16   And they asked for something in Spanish since it's a  
17   sizable population that they're dealing with here.

18          Also the CHP law enforcement video that would  
19   take into account some of the changes of SB 876.

20          We've attempted to, in our communications, make  
21   sure that the, what we are doing is known not only to  
22   you as the decisionmakers but also to the regulated  
23   public, but those special groups with whom we've had  
24   dealings in the past.

25          We've had an Internet site that's shown up here

1 on the screen, and there are also some handouts in the  
2 back that have this URL. This particular Internet site  
3 gives a synopsis of where we are with this project,  
4 where we've been, where we're at, and where we're going  
5 to go. It talks about the proposed system as we've  
6 defined it. It talks about some of the business  
7 requirements as we've discovered them, and how we  
8 implemented them within the system.

9           Within the CIWMB Boardnet or Intranet site, we  
10 also have more project related materials that each of  
11 the Board members have received a copy in terms of where  
12 they are located on the Boardnet site.

13           Lastly, I'd like to show you the timeline that  
14 we've got for this. Looking at the top, the regulations  
15 have been drafted, as I understand, and will be coming  
16 forward to you in the next month or so for your review.

17           I will let the program staff respond to any  
18 questions you may have on the regulations, but we do  
19 know that they are in draft form.

20           The application, the automated system  
21 application design, which as I indicated earlier we  
22 started really last year and will be finishing up in the  
23 next two to three months. From that analysis and design  
24 we've already begun work, and Gary's already talked  
25 about it in terms of these flow charts you've seen over

1 here, on the major components in how we take in a great  
2 volume of data, how we scan it, how we put it in the  
3 database, and how we're going to reconcile. We're  
4 beginning to build the automation, the codes to make  
5 those things happen.

6 We are, hopefully we'll have a budget here in  
7 the next few weeks and we'll be able to start making  
8 some of this training materials available or at least  
9 developing those for review prior to having the training  
10 later this fall.

11 Application development goes through from  
12 around the first part of November through the end of  
13 March, first part of April. This system will be  
14 substantially completed by that time.

15 Industry training. We're looking at, provided  
16 we get the budget, we get the training materials and we  
17 have the forms ready to print, we'll be, training will  
18 begin around the first part to the middle part of  
19 November with the actual deployment of forms around the  
20 first of the year.

21 We will be doing some internal testing and some  
22 proof of concept on electronic data transfer in the  
23 spring with the transition and completion of this system  
24 to the waste tire manifest program beginning the first  
25 part of June, and then going through the fiscal year end



1 into late summer of next year.

2 So we're really within nine to ten months of  
3 full deployment of this system and a production system.

4 That really ends the presentation. Gary and  
5 I'd be happy to take any questions you may have.

6 BOARD CHAIR MOULTON-PATTERSON: Thank you very  
7 much. Questions?

8 Mr. Eaton.

9 BOARD MEMBER EATON: First let me just say that  
10 I know how much work had to go into this, and it's a  
11 really fine product, at least so far.

12 Just a couple of quick questions because  
13 hopefully we will have an opportunity in the committee  
14 to kind of explore some of the other issues when the  
15 regs come through.

16 But I assume this is going to be a mandatory  
17 system, correct?

18 MR. RALSTON: Yes.

19 BOARD MEMBER EATON: So how are we going to tie  
20 this into licensing of haulers, facilities, and what  
21 have you?

22 For instance, in the training that will be  
23 mandatory that prior to the regs, will the regs have  
24 prior to being able to get a license or an ability to  
25 haul tires or an ability to use, will they have to at

1 least obtain the training and be proficient in this? I  
2 mean is that contemplated? Or have you not even -- I  
3 mean that would be one of the things that avoids the  
4 problem with implementation.

5 As we all know it's always a problem with  
6 implementation because everyone says, "I didn't know  
7 about that. I didn't know about that." But if the regs  
8 say that as a condition you have to at least, you know,  
9 attend the training or, you know, when your license is  
10 up for renewal, I think that tie is going to help all  
11 are who are here and care about this from getting all of  
12 these complaints and then getting barraged with, you  
13 know, you know, sort of stories about how we couldn't  
14 fill out the form or, you know, I didn't mean to lose  
15 that 5000 tires but had I only known. And so I think,  
16 have we even thought about that?

17 MR. RALSTON: Let me respond at least for a bit  
18 of a second. We have thought about that. We have  
19 thought about how we're going to get the word out to all  
20 of these individuals who will be regulated or come under  
21 the umbrella of SB 876.

22 We know who the hauler community is. We  
23 already have them registered. One of the things that  
24 we've been talking about in terms of getting the word  
25 out and ensuring that they're there is to make specific

1 mailings and contacts to the hauler community, with the  
2 idea that they need to attend, that's tied to their  
3 registration, but there's something there, some carrot  
4 to make them want to come there in order to participate  
5 in this program.

6 But that's been something that we've talked  
7 about from the IT side of things. I would defer to the  
8 program side in terms of how they want to approach that  
9 from the overall program emphasis.

10 One other thing I'd like to just mention. In  
11 terms of the overall program, we have a whole new  
12 regulated community here. That is new tire dealers, new  
13 car dealers. In order to start to begin to figure out  
14 how big our population is, we've got the DOE or Board of  
15 Equalization fee, tire fee listing, okay, and we've  
16 brought that in and we've made that as part of our  
17 initial database, our big database from which we can  
18 begin to get the word out to those folks.

19 There are approximately 11,000 individual's  
20 names or business names on that BOE list. Some of them,  
21 admittedly, were only one or two tires, but there were  
22 also those who had, you know, 25 to 30,000 tires per  
23 year, and we've really been focusing in on getting the  
24 initial information from them.

25 One caveat from that, in looking through the

1 BOE list on those commercial businesses of 25,000 or  
2 more, we saw like one entry for Sears. And it was back  
3 in Illinois. Well that doesn't do too much for us when  
4 we consider there's a Sears store selling and using used  
5 tires, you know, up and down the state. So what we've  
6 been doing is working with Keith Cambridge and his staff  
7 in the waste tire program to actually contact the  
8 corporate headquarters for each of these major chains to  
9 get the physical locations so that we can put them in  
10 our database.

11           So we're trying to look for those areas where  
12 there may be holes in trying to determine who should be  
13 involved, and trying to fill those holes with  
14 appropriate data.

15           BOARD MEMBER EATON: Just two other quick  
16 questions.

17           With regard to the actual sheets here that have  
18 the number, the unique number, those of you, that's  
19 probably, I'd say, at least four of you of my colleagues  
20 up here that had at one point or another registered  
21 voters in their life, and at one point in time we  
22 actually had to be trained on how to do that. We  
23 actually were issued as a registrar a certain, a series  
24 of numbers. So in other words, if I took form one  
25 through one hundred, that form was somehow tied to me.

1 Will these forms be tied to a particular individual.

2           For instance, where I see the scam that  
3 possibly could take place is that if I'm assigned sheet  
4 one to one hundred, there's no mistake that I'm  
5 responsible for one through one hundred, it doesn't show  
6 up that Joe Schmoe, I lent the form over to him, and it  
7 shows up that he needed an extra form.

8           So would that be part of the situation where  
9 each individual or however it's going to get these forms  
10 will be assigned that series? And I know you can't get  
11 there when you get further down the line, but at least  
12 at the point of origin he or she would have --

13           MR. RALSTON: I'll let Gary talk about that  
14 one.

15           MR. ARSTEIN-KERSLAKE: Yeah, I'll be happy to  
16 address that one.

17           That is considered sort of from a design  
18 perspective to be a controlled form then where you keep  
19 track of who has the form.

20           One of the things from the design of the system  
21 here, actually the thing we need is a unique identifier.  
22 So that, and each one of the forms are unique  
23 identified.

24           And the advantage is that in the event that  
25 somebody, for one from an administrative perspective,

1 what we are really looking for is an accurate accounting  
2 of the information. In fact, if we were to assign a  
3 hundred forms to hauler, for instance, or to someone  
4 else, and 25 of those forms got lost for some reason or  
5 got stained or soiled somehow and were never used again,  
6 that's okay, because we will ensure that we never have  
7 duplicate numbers out there.

8           So it's okay that we have gaps in our number,  
9 in our numbering scheme here. But the key element is  
10 that we have a unique number on that. So in that case  
11 that's one of the design elements of the system.

12           And even in the event that we go, we've even  
13 considered this from an electronic submission  
14 perspective how we can ensure uniqueness from the  
15 individuals who will be providing us, or entities who  
16 will be providing us electronic information.

17           BOARD MEMBER EATON: And one other quick  
18 question. And the bottom line question is that at the  
19 end of all this, will this system be in such, if I look  
20 at the form here and I notice in one it says intended  
21 use and that's optional.

22           MR. ARSTEIN-KERSLAKE: Ooh, that.

23           BOARD MEMBER EATON: And I understand why some  
24 people may not know what the intended use happens to be.

25           But when the end of the year or when the five

1 year plan comes up and needs to be reviewed, if any one  
2 of the members of this Board or staff gets to ask a  
3 question, well how many tires in 2004 went to a  
4 landfill, that you would be able to press a button in a  
5 sophisticated system and up comes a number of twenty  
6 million tires went to a landfill. Because that's really  
7 the key. Or twenty million tires were, you know, went  
8 to end users for beneficial use.

9 I mean that's really the key question by  
10 pushing a button, you know what I mean? Year end report  
11 based on this, it should be able to determine so that  
12 you have one sheet that says, you know, because right  
13 now we're told it's seven million that goes here and  
14 eight million goes here, and that was kind of the  
15 original thought.

16 MR. ARSTEIN-KERSLAKE: There will be a much  
17 more complete accounting from this automated system.

18 As it turns out, given some of the complexities  
19 that we've talked about here a little bit, is that some  
20 of those tires are going out of state, some others are  
21 going to be coming in from out of state, right, some  
22 others are even going to go out of country. Some others  
23 could theoretically be moved a couple of times within  
24 the year too, right.

25 So, but we feel when we have moved through

1 those different scenarios, we are quite confident that  
2 we are going to be able to capture that information down  
3 to a pretty low level.

4           One of the things with this system is we are  
5 going to aggregate data at the county level but, so that  
6 you could ask the question to say what county, for  
7 instance, has generated the greatest number of tires in  
8 the state? You could probably also ask some questions  
9 in terms of which county has ended up as the end use  
10 point in the state? And look at county regional  
11 differences, again to get a feeling.

12           It starts to get really complicated as you talk  
13 about the flow of tires back and forth. But there will  
14 be a lot of information in there. And so I'm not going  
15 to commit and say just one button press, but we're going  
16 to be able to have a lot of reporting capabilities out  
17 of this system.

18           BOARD MEMBER EATON: Thank you, Madam Chair.

19           BOARD CHAIR MOULTON-PATTERSON: Thank you.

20           Mr. Jones.

21           BOARD MEMBER JONES: Thanks, Madam Chair. Just  
22 a couple of things.

23           One is a congratulations to both Gary and Doug  
24 and their staff, as well as Martha and Keith and Don  
25 Dyer, and all those folks that actually, you know, when



1 this process started we did not, and I'm sure they did  
2 not envision that this would become as complicated as it  
3 did.

4 When Doug Ralston talks about going on road  
5 trips to figure out how tires move, he was actually the  
6 guy that was throwing tires in the back of a trailer  
7 which, again, I already had a lot of respect for him,  
8 but I got even more respect for him.

9 There are issues that are going to have to be  
10 worked out. I'm kind of surprised as to how many people  
11 that had resisted this at the beginning are now kind of  
12 seeing the benefit, and are working cooperatively as  
13 well as offering a lot of options.

14 And there may be a day that we have a system in  
15 this state that's fully computerized from the guy on the  
16 truck that can do a UPS type accounting, to where there  
17 won't be a whole lot of paper being transferred. It's  
18 going to be a ways away, but it wouldn't happen without  
19 this.

20 I'm not going to comment on any of the rest of  
21 it. I just think you guys have done a great job, both  
22 teams and, you know, we'll, as things come along I've  
23 got all the faith in the world that you guys will get it  
24 figured out.

25 MR. RALSTON: Thank you.

1 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
2 Jones.

3 Any other questions or comments? Mr. Paparian.

4 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

5 I just wanted to ask a couple of questions to  
6 clarify.

7 If someone has a hauler registration exemption,  
8 we've got four on here, agriculture and government and  
9 so forth, they still have to produce this manifest even  
10 though they're exempt from hauling registration plans,  
11 is that right?

12 MR. ARSTEIN-KERSLAKE: Correct. Correct.

13 BOARD MEMBER PAPARIAN: Okay. How many parts  
14 is the form? How many copies are produced when someone  
15 fills one out?

16 MR. ARSTEIN-KERSLAKE: Well on average there  
17 will be three copies on it. The top copy will be sent  
18 to us. The hauler in that case, they would be keeping a  
19 copy themselves even if they're an exempt hauler. A  
20 generator they picked up the tires from would also be  
21 getting a copy. So there's three copies in the  
22 manifest.

23 If it's at a drop-off point or an end use  
24 point, same kind of process, the top copy comes to us,  
25 and the hauler keeps a copy, and the end user keeps a

1 copy.

2 BOARD MEMBER PAPARIAN: So at a tire dealer --

3 MR. ARSTEIN-KERSLAKE: Uh-huh.

4 BOARD MEMBER PAPARIAN: -- the form gets filled  
5 out, the dealer signs, I think, at the bottom is it?

6 MR. ARSTEIN-KERSLAKE: Correct.

7 BOARD MEMBER PAPARIAN: Okay.

8 MR. ARSTEIN-KERSLAKE: Correct.

9 BOARD MEMBER PAPARIAN: And do all three parts  
10 go with the driver at that point?

11 MR. ARSTEIN-KERSLAKE: No, actually the --

12 BOARD MEMBER PAPARIAN: They're separated and  
13 the dealer sends in the top one?

14 MR. ARSTEIN-KERSLAKE: The dealer sends in the  
15 top one. And the important part about that is the  
16 accountability requirements.

17 So actually each party in the process or each  
18 of the parties in the process theoretically has a part  
19 for which they're accountable.

20 And so in that case when the generator then,  
21 the tire storer then has responsibility to mail the top  
22 one in a prepaid mailer, so it's really quite easy, a  
23 prepaid mailer, and then submits that to us, they keep a  
24 copy. They have a requirement to keep their copy for  
25 three years, and the hauler has a copy too, so they have

1 a copy for three years.

2 They also have a copy from the perspective of  
3 any kind of law enforcement. Were they to get pulled  
4 over for an inspection by the CHP, they then would then  
5 have copies of the manifest. They'd also have a trip  
6 log too to substantiate the load that they have in their  
7 vehicle.

8 BOARD MEMBER PAPARIAN: The dealer -- I'm  
9 sorry, you may have just said this, I may have just  
10 missed it.

11 BOARD MEMBER PAPARIAN: Does the dealer, the  
12 dealer doesn't have a copy to keep?

13 MR. ARSTEIN-KERSLAKE: Yes, they do.

14 BOARD MEMBER PAPARIAN: They do?

15 MR. ARSTEIN-KERSLAKE: So the three copies, the  
16 one copy comes to the Integrated Waste Management Board;  
17 the dealer, the tire dealer in this case keeps a copy;  
18 and the hauler keeps a copy.

19 BOARD MEMBER PAPARIAN: What about the end use  
20 facility? What about the landfill site?

21 MR. ARSTEIN-KERSLAKE: At the end use then  
22 there is, that same process goes through at the drop-off  
23 point too in this case.

24 And the reason --

25 BOARD MEMBER PAPARIAN: So that's a new form.

1 MR. ARSTEIN-KERSLAKE: That's a new form.

2 BOARD MEMBER PAPARIAN: Okay. Got it. Okay.

3 Good.

4 MR. ARSTEIN-KERSLAKE: The reason that we have  
5 to do this is that when we were originally envisioning  
6 this we thought about the one to one. As it turns out  
7 there is, you know, as Doug talked previously, there's a  
8 lot of complexity in here.

9 And in some cases someone will pick up, they'll  
10 stop at one place, pick up some tires, stop at another  
11 place, pick up some tires, theoretically cull a few  
12 tires out of that load and maybe drop them off at a used  
13 tire place, right?

14 So in order to account, it's a little bit like  
15 an accounts receivable, accounts payable process, that  
16 at the end of the day everything needs to add up there.  
17 But it is fairly complicated.

18 That way having the, having those forms  
19 required for each drop-off point or pickup point enables  
20 us to have the full accounting on it, and have each  
21 party be able to fulfill their requirement with regard  
22 to accountability, and ensure that we get the  
23 information that we need for tracking the load, so to  
24 speak.

25 BOARD MEMBER PAPARIAN: Okay. And then

1 ultimately our use for this is enforcement related, you  
2 know, if things don't match up --

3 MR. ARSTEIN-KERSLAKE: Right.

4 BOARD MEMBER PAPARIAN: -- then ultimately we  
5 might have to take an enforcement action.

6 MR. ARSTEIN-KERSLAKE: Right.

7 BOARD MEMBER PAPARIAN: I just wanted to  
8 confirm that our attorneys, we have, you know, Russell  
9 from the Attorney General's office, that they were  
10 checked with to make sure the information is in the form  
11 that's useful to them?

12 MR. ARSTEIN-KERSLAKE: Correct. Correct. We  
13 have worked closely with the folks up in the legal  
14 office, and the folks in the tire program also from the  
15 enforcement piece to identify the information they would  
16 need to take actions appropriately.

17 One of the things that the system will enable  
18 us to do here actually is that, because we'll have quite  
19 an array of information, we'll be able to identify those  
20 places where it looks like there is an unusual under  
21 reporting or over reporting compared to what might be  
22 considered an average.

23 So rather than just the extreme cases where we  
24 find that there has been illegal disposal of tires, and  
25 try to track that back to try to figure out where that

1 occurred; this will also afford the opportunity for the  
2 program folks to come through and do sort of a  
3 predictive analysis and look and say who is, you know,  
4 who is sort of consistently more than five percent over  
5 the average of what we'd expect, or under the average  
6 with regard to, you know, errors, shall we say, in terms  
7 of what has been reported in the two different parts  
8 with regard to the pick up and drop-off points for  
9 instance.

10 BOARD MEMBER PAPARIAN: Well, on the  
11 instructions on the back will it also include anything  
12 about, you know, possible penalties for --

13 MR. ARSTEIN-KERSLAKE: I'm quite sure that  
14 legal and tire program will have ample information in  
15 there regarding the statute represented and the fact  
16 that -- and I'm trying to think of currently the  
17 statement that talks about the penalties.

18 I can't recall exactly on that, but Doug may be  
19 able to address that.

20 BOARD MEMBER PAPARIAN: Sometimes that's a  
21 useful educational tool.

22 MR. ARSTEIN-KERSLAKE: Yes.

23 BOARD MEMBER PAPARIAN: You don't have to go  
24 into detail on it, but I think having, having something  
25 there on the back that says, you know, failure to send

1 these forms in --

2 MR. RALSTON: What we'll have on each form, on  
3 the manifest form where the hauler fills out the top and  
4 the generator or end user fills out the bottom, at the  
5 point where they sign, the hauler has to sign and the  
6 generator has to sign, there are two statements;

7 One says I say, you know, under the penalty of  
8 perjury, and it cites codes, etcetera.

9 The other is a claim of confidentiality for  
10 that particular data.

11 So the one phrase dealing with under penalty of  
12 perjury is what we have been using, and I think was on  
13 the previous form or a current form for the waste tire  
14 hauler registration system. And we have run that by  
15 legal and that's where we have that statement.

16 BOARD MEMBER PAPARIAN: It might be --

17 CHIEF LEGAL COUNSEL TOBIAS: I think that's a  
18 good point, Mr. Paparian, and we'll check whether we can  
19 get that on the back. I agree that it's a good  
20 enforcement tool.

21 So Doug's talking about, you know, working  
22 towards enforcement with the penalty of perjury portion  
23 on it, but I think the idea of having it on the back  
24 with directions is a good one, so I'll look into that.

25 BOARD MEMBER PAPARIAN: Yeah, ultimately on the



1 front side you're holding the sort of lowest level  
2 employee, the driver responsible, but the laws I think  
3 go well beyond the driver to, you know, if they're being  
4 instructed to fraudulently provide information, there's  
5 others potentially subject to enforcement action.

6 CHIEF LEGAL COUNSEL TOBIAS: We'll work on  
7 that.

8 BOARD MEMBER PAPARIAN: All right. Thank you.

9 BOARD CHAIR MOULTON-PATTERSON: Thank you. We  
10 do have a speaker, George Larson, Lakin Tire.

11 MR. LARSON: Thank you, Madam Chair, members.

12 Lakin Tire, of course, as I've stated in the  
13 past, is the largest waste tire hauler in California and  
14 the in the United States with their other companies  
15 across the country.

16 We handled about 11 million tires in 2001, none  
17 of which, of course, were placed on a tire pile, were  
18 successfully taken to either a repository or to an end  
19 use.

20 Lakin has participated in this process, all  
21 during the legislative hearing process where we were  
22 very supportive of what was intended.

23 We're very supportive of the electronic  
24 reporting requirements that ultimately came out in the  
25 law.

1           We serve one hundred percent of the Sears Auto  
2 Centers in California, so if you want the addresses of  
3 where they are, we'd be glad to provide 'em to you. We  
4 also do Costco, Goodyear, Goodrich, America's Tire,  
5 about 90 percent of the retail tires from the major  
6 chains are handled by Lakin.

7           If you were to aggregate the tires managed by  
8 Lakin, and I feel comfortable talking about these other  
9 companies, Total Tire Recycling, Janus Company, Golden  
10 By-products, and Waste Recovery West, I think we handle  
11 about probably 70 to 75 percent of the tires that are in  
12 the active waste stream in California.

13           So I think each of these companies, and I've  
14 discussed it with each of the representatives, we are  
15 very anxious to make this manifest system work.

16           We did volunteer, we were one of the companies,  
17 as was noted, in the preliminary work to try to test out  
18 the system as it was first crafted. And I hope we were  
19 able to participate and help to bring it to where it is  
20 today. I certainly commend the work that's been done.  
21 And we are committed to make this system work.

22           There is probably nothing more fundamental to  
23 the success of AB 876 and all of the programs that you  
24 manage related to waste tires, nothing more important  
25 than accurate data collection, and that's why we

1 supported the electronic reporting which we feel is the  
2 most accurate potential.

3           During the deliberations on the bill I was  
4 unsuccessful in persuading Mr. Jones, Mr. Eaton, and  
5 Senator Escutia of the merits of providing financial  
6 assistance to companies like Lakin and other haulers to  
7 be able to do the counter portion of this which will  
8 have to be done at our company in order to have an  
9 electronic reporting system that's consistent with what  
10 you're going to be collecting.

11           I still believe today, and I'm here advocating  
12 for your consideration of utilization on some of the  
13 funds out of the tire fund to underwrite the cost of  
14 local companies like Lakin, TTR, and any other company,  
15 all of them, to be able to pay for the equipment  
16 necessary to provide the most critical element, the  
17 data.

18           The budget building process, as I'm familiar  
19 with, is more than a year long process, so I was  
20 assured, and correct me if I'm wrong, Mr. Jones, at the  
21 time I failed in convincing the legislature to include  
22 this as part of the law, I was assured that this type of  
23 activity is something that under the interpretation of  
24 the law would be something acceptable for the Board to  
25 consider for utilization of those funds.

1           So for those who are in the budget building  
2 process, I request that that at least come up for  
3 discussion for future years funding.

4           Thank you.

5           BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
6 Lakin.

7           And again, on behalf of the Board we thank you,  
8 Doug and Gary, for a great presentation.

9           Mr. Jones, did you have another comment?

10          BOARD MEMBER JONES: Just real quickly, Mr.  
11 Larson's comments -- and that's okay, George, you don't  
12 have to respond.

13          When the issue came up in, I don't know if it  
14 was in committee or where it was, we did talk a little  
15 bit about the idea that if we ever went fully electronic  
16 or if we ever went to some kind of an electronic  
17 gathering that would actually keep our costs down long  
18 term, that we ought to explore the idea of being able to  
19 provide through this, you know, whatever mechanisms were  
20 available. Cause it could be, if the numbers worked  
21 out, it could be a net decrease in cost for us to  
22 eliminate all that paper. And that was clearly one of  
23 the things that we had talked about. That was the  
24 discussion.

25          I mean we're a long ways, we're a ways away

1 from there, but I think we've talked about it quite a  
2 bit from its conception that there may be huge cost  
3 savings for the state when we ever get to the point that  
4 we can just start sending that.

5           So I wanted that to be, you know, that was  
6 actually part of the discussions. Because if we could  
7 show a net savings, it was going to be in the state's  
8 best interest to invest those kinds of dollars, so --

9           BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
10 Jones, for putting that on the record.

11           Mr. Paparian.

12           BOARD MEMBER PAPARIAN: You know, and I want to  
13 also add that we're providing, we're going to be  
14 providing a lot of services to the users of these that  
15 often state agencies don't provide.

16           I heard the discussion of training and videos  
17 and if I understood right we're paying the postage for  
18 these things to come back.

19           Make sure Mr. Mohajer doesn't get ahold of  
20 these envelopes, because it could break our budget if he  
21 were to send his material in those envelopes.

22           But, you know, I think that we are being, you  
23 know, accommodating and responsive to the needs. I  
24 understand it is going to take some time for folks to  
25 fill these out.

1           And I think, as Mr. Jones has pointed out, in  
2 the past this thing has been, it's simplified to the  
3 point where the ease of filling it out, you know, should  
4 just make it very, very quick and easy to do. And again  
5 to be able to just stick it in the mail with a postage  
6 paid envelope I think will increase the ease of use of  
7 this thing.

8           BOARD CHAIR MOULTON-PATTERSON: Thank you.

9           Okay. That takes us to item seventeen.

10          MS. WILLD-WAGNER: Yes, good afternoon again,  
11 Chair and Board.

12          Item 17 is consideration of the grant awards  
13 for the household hazardous waste grant program, fiscal  
14 year 2002-03.

15          This item was heard by the Special Waste,  
16 Market Development Committee, as well as the Budget  
17 Admin Committee.

18          We received 53 applications requesting over  
19 \$9.3 million in applications. Unfortunately there's  
20 only \$3 million to give away, so staff is recommending  
21 the top fifteen applications be awarded in Resolution  
22 2002-417.

23          If you have questions, staff is here to answer  
24 them.

25          BOARD CHAIR MOULTON-PATTERSON: Thank you.

1 Mr. Medina.

2 BOARD MEMBER MEDINA: Madam chair, I'm prepared  
3 to move Resolution 2002-417, the grant awards for the  
4 household hazardous waste grant program for fiscal year  
5 2002-2003, and all of the cities and counties that are  
6 included in the back of the resolution.

7 BOARD MEMBER PAPARIAN: Second.

8 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank  
9 you. Motion by Mr. Medina, seconded by Mr. Paparian --  
10 oh, excuse me, excuse me. We do have a speaker.

11 Mr. Mohajer.

12 MR. MOHAJER: Thank you, Madam Chair. For the  
13 record my name is Mike Mohajer, and I'm receipting L.A.  
14 County Public Works.

15 Responding to Mr. Paparian, this manifest  
16 system that you're identifying only one type of waste,  
17 which is only tires. You pretty well saw the whole  
18 complexity of the system. So when it gets into L.A.  
19 County we have several hundred haulers and the thousands  
20 of contractors and general contractors, you can see the  
21 complexity.

22 So my recommendation and response today was the  
23 envelope that has the address and for staff on it, maybe  
24 a similar type of system could be implemented for the  
25 reporting system that would allow the operator and the

1 waste hauler would be directly submitting the data to  
2 the state rather than to the local government.

3           So having said that, Madam Chair, in response  
4 to this particular item, I think that the whole concept  
5 of the household hazardous waste and the \$3 million  
6 grant program is to protect public health and safety.  
7 And then looking at it from, again, as a local  
8 government point of view, L.A. County has a population  
9 of approximately ten million, and needless to say, over  
10 one-third of that \$3 million that is being allocated  
11 today comes from L.A. County.

12           In return, looking at all the application, what  
13 the L.A. County as a whole is getting is approximately  
14 32,000 of the \$3 million.

15           So again, going back to the fairness, and  
16 looking at the staff for protecting public health and  
17 safety, I think it is not fair, it may be politically  
18 correct but it still is not fair.

19           When you consider that L.A. County as a whole,  
20 our health department is running about seven million,  
21 \$700 million deficit, and you're talking about laying  
22 off maybe about 5,000 employees come this coming October  
23 potentially, and then you ask for \$150,000 to do an  
24 E-waste and we get turned down, that is not, that's  
25 basically really hurt.



1           So having said that, we are going to be, as you  
2 know, we have the biggest household hazardous waste  
3 program and the largest in the United States. We spend  
4 about \$9 million, of which at least two million to give  
5 to the City of L.A. for the haz mat program.

6           We are going to be expanding our household  
7 hazardous waste program toward the latter part of this  
8 fall where we will, we will be collecting E-waste on a  
9 weekly basis as we move around throughout the county.  
10 Collecting the E-waste would have resolved in cutting  
11 the number of round up down from the 52 weeks maybe down  
12 to 49 and that sort of thing.

13           So the 150,000 will not have gone a long way,  
14 but having said that, hopefully one of these years, as I  
15 come before you, after I retire I come before you, you  
16 would address the issue of the fairness and not being a  
17 hundred percent politically correct.

18           Thank you.

19           BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
20 Mohajer.

21           Okay. We had a motion by Mr. Medina, seconded  
22 by Mr. Paparian, is that correct, Mr. Paparian?

23           BOARD MEMBER PAPARIAN: (Nodded head.)

24           BOARD CHAIR MOULTON-PATTERSON: To approve  
25 Resolution 2002-417, the grant awards for the household

1 hazardous waste grant program.

2 Please call the roll.

3 BOARD SECRETARY VILLA: Eaton?

4 BOARD MEMBER EATON: Aye.

5 BOARD SECRETARY VILLA: Jones?

6 BOARD MEMBER JONES: Aye.

7 BOARD SECRETARY VILLA: Medina?

8 BOARD CHAIR MEDINA: Aye.

9 BOARD SECRETARY VILLA: Paparian?

10 BOARD MEMBER PAPARIAN: Aye.

11 BOARD SECRETARY VILLA: Roberti?

12 BOARD MEMBER ROBERTI: Aye.

13 BOARD SECRETARY VILLA: Moulton-Patterson?

14 BOARD CHAIR MOULTON-PATTERSON: Aye.

15 That takes us to number eighteen.

16 MS. WILLD-WAGNER: Item eighteen is the

17 consideration of the contractor for the comprehensive

18 assessment of the used oil and HHW program.

19 This is a contract concept where the funding

20 was approved and the scope of work back in May, and it's

21 taken us a little bit longer to bring the award. We did

22 really extensive research with other state agencies that

23 might be able to perform this assessment, and we also

24 interviewed several state agencies, and we're really

25 excited about this contract and implementation.

1           We're recommending the award of California  
2 Polytechnic University San Luis Obispo, and that would  
3 be in Resolution 2002-416.

4           BOARD CHAIR MOULTON-PATTERSON: Thank you.  
5           Mr. Medina.

6           BOARD MEMBER MEDINA: If there's no public  
7 comment or any questions or comments by the Board  
8 members, I would like to move Resolution 2002-416  
9 Revised, consideration of contractor for comprehensive  
10 assessment of the used oil household hazardous waste  
11 program, contract fiscal year 2001-2002 used oil fund  
12 contract concept, number 0-56.

13          BOARD MEMBER JONES: Second.

14          BOARD CHAIR MOULTON-PATTERSON: Okay. We have  
15 a motion by Mr. Medina, seconded by Mr. Jones to approve  
16 Resolution 2002-416 Revised.

17          Please call the roll.

18          BOARD SECRETARY VILLA: Eaton?

19          BOARD MEMBER EATON: Aye.

20          BOARD SECRETARY VILLA: Jones?

21          BOARD MEMBER JONES: Aye.

22          BOARD SECRETARY VILLA: Medina?

23          BOARD CHAIR MEDINA: Aye.

24          BOARD SECRETARY VILLA: Paparian?

25          BOARD MEMBER PAPARIAN: Aye.

1 BOARD SECRETARY VILLA: Roberti?

2 BOARD MEMBER ROBERTI: Aye.

3 BOARD SECRETARY VILLA: Moulton-Patterson?

4 BOARD CHAIR MOULTON-PATTERSON: Aye.

5 Although there's, all of the issues have been  
6 approved in the executive, administrative, and policy  
7 part of our agenda, Mr. Medina, did you wish to speak on  
8 this as chair of that committee?

9 BOARD MEMBER MEDINA: Yes, Madam Chair, very  
10 briefly. This month the Executive, Administration, and  
11 Budget Committee heard agenda items 11, 12, 13, 17, 8  
12 and 18, which have been forwarded on fiscal consensus to  
13 the full Board.

14 These items were discussed at other committees  
15 for content, and in the budget committee because of the  
16 fiscal impact.

17 We also heard an overview of the equal  
18 employment opportunity program that was provided by  
19 Catherine Foreman, the Board's EEO officer.

20 Ms. Foreman informed the committee of her  
21 duties and responsibilities and a history of the EEO  
22 program.

23 I'd like to take this opportunity to commend  
24 Ms. Foreman for a job well done, and at some time in the  
25 future have her give a presentation to the Board.

1           The presentation by the EEO officer is intended  
2 to be the first of future presentations by all of the  
3 Board's executive and administrative program offices.  
4 By doing this, the committee intends to increase the  
5 interaction between the programs, Board members, and the  
6 public.

7           And with that, I'll leave the rest of the  
8 presentation to Ms. Terry Jordan, deputy director for  
9 administration.

10          BOARD CHAIR MOULTON-PATTERSON: Okay. And did  
11 you wish to say anything, Ms. Jordan?

12          MS. JORDAN: Did I hear Mr. Medina talk about  
13 item 23, that it was also on consent? I'm sorry, I  
14 thought I heard 18 as being the last one.

15          BOARD CHAIR MOULTON-PATTERSON: No, we had said  
16 that that had already been on consent.

17          MS. JORDAN: Okay. Thank you.

18          BOARD CHAIR MOULTON-PATTERSON: Thank you.

19          MS. JORDAN: Other than that, I don't have  
20 anything.

21          BOARD CHAIR MOULTON-PATTERSON: Okay. Moving  
22 right along to Diversion, Planning, and Local  
23 Assistance. The chair of that committee, Mr. Jones, has  
24 already given his report.

25          We have two final items, everything else has

1 been for the committee only or on consent.

2 We have number 27, and our last item will be  
3 number 38.

4 MR. SCHIAVO: Okay.

5 BOARD CHAIR MOULTON-PATTERSON: Mr. Schiavo.

6 MR. SCHIAVO: Item number 27 is an update on  
7 the status of the state agency and large state facility  
8 annual report reviews under AB 75, and Trevor  
9 O'Shaughnessy will be making this presentation.

10 MR. O'SHAUGHNESSY: Good afternoon, Chair and  
11 members of the Board. My name is Trevor O'Shaughnessy  
12 representing the State Organization of Facility  
13 Assistance Section.

14 I'd like to provide a brief update as to the  
15 implementation of AB 75. Handed to you has been an  
16 update of the information of activity that the program  
17 has been implementing. And briefly going over that.

18 The program has received 394 AB 75 annual  
19 reports for the year 2001.

20 Partially completed has been 23.

21 And there are seven outstanding state agencies  
22 that we have not heard anything in regard to AB 75.

23 With that, the Board staff has been  
24 implementing a review of the submitted annual reports  
25 and have completed a review of 120 annual reports to

1 date.

2 In doing and completing their reviews, they are  
3 determining conformance and compliance with the Board's  
4 direction as well as the statute and requirements.

5 They are looking at the weights that have been  
6 provided by the state agencies and their reasonableness  
7 as to their reporting, and comparing them to other state  
8 agencies and activities going on throughout the State of  
9 California.

10 And there's also been participation and working  
11 with the State Controller's Office under the contract  
12 approved by the Board.

13 The SCO has specifically been helping with the  
14 review and field analysis of documentation for the  
15 reported information on a certain selected population of  
16 approximately forty state agencies. With that work  
17 they're also helping prepare a final analysis, and  
18 ultimately working with Board staff to develop training  
19 tools which we anticipate going out if there's an  
20 approved budget this winter.

21 That is a brief overview of what's going on  
22 with the program. And staff is available to address any  
23 questions you may have.

24 BOARD CHAIR MOULTON-PATTERSON: Okay.  
25 Questions?

1 Mr. Paparian.

2 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

3 I want to just understand what, the annual  
4 reports are, after the staff reviews them and determines  
5 that they're okay, do we get a list of those similar to  
6 the list we get on the, the list we got on the initial  
7 AB 75 plans? We got a list, and then we could, if we  
8 had questions about any of them we could pull them from  
9 the list and have them come to the Board. Will we be  
10 getting something similar here or --

11 MR. SCHIAVO: Yeah. We sent a memo around,  
12 probably three or four weeks ago, I forget exactly the  
13 date, which laid out -- and actually here's a copy.

14 It was, well, a couple of months ago, and it  
15 laid out the process. The process was going to mirror  
16 the plans, the planning process where you'll get a  
17 listing. If you see something that grabs your attention  
18 then we can go ahead and bring it to the full Board or  
19 just convey our response to you another way.

20 MR. O'SHAUGHNESSY: Essentially it's a status  
21 report update, so it would be a listing of the  
22 facilities or the organizations that have reported,  
23 their overall reported diversion for the year 2001, and  
24 other pertinent information. Very similar to that that  
25 was provided for the annual reports and the approval



1 process that was outlined at that point.

2 MR. SCHIAVO: And then the information is also  
3 on the website as well.

4 BOARD MEMBER PAPARIAN: Okay. So this would be  
5 before the reports were signed off on presumably because  
6 we'll have a chance to look at them and --

7 MR. SCHIAVO: Right.

8 BOARD MEMBER PAPARIAN: All right. Let me just  
9 ask that we have maybe three weeks to have the list just  
10 to make sure, you know, to allow for holidays or  
11 whatever else might be in there to just allow us a good  
12 chance to look at those and determine whether or not we  
13 have any questions about them or not. Now --

14 BOARD MEMBER EATON: Mr. Paparian, perhaps  
15 maybe we should have, rather than three weeks, perhaps  
16 maybe we should have them come to one of the committees  
17 a month before. And that way they can give a report in  
18 the committee, and then it would be noticed, and  
19 therefore all of us, and I share your concerns about  
20 just delegation. You know what I'm saying, how much  
21 staggered?

22 It wouldn't be that same month, but if they  
23 were going to do it in July it would come before a  
24 committee in June so that at least there would be some  
25 review or at least some notice for one of us to go.

1 BOARD MEMBER PAPARIAN: That might be a way to  
2 do it as long as all the Board members have an  
3 opportunity to --

4 BOARD MEMBER EATON: Yeah. I mean I'm happy to  
5 share it, yeah.

6 BOARD MEMBER PAPARIAN: Yeah. If it's in an  
7 agenda item so that all of the Board members can see it  
8 if they have a question on any of 'em, yeah.

9 BOARD MEMBER EATON: Absolutely. In fact,  
10 anyone who thinks it's important enough it can be before  
11 a Board meeting actually is what I'd like, but I figure  
12 in the interest of time.

13 MR. O'SHAUGHNESSY: If I could, just as a  
14 reminder, and staff is more than willing and capable of  
15 doing what you're requesting, but the annual reports  
16 that have been submitted are specifically for the year  
17 2001. The goal year of 25 percent isn't reported until  
18 next year's annual report which is a statute requirement  
19 of 25 percent.

20 So this is essentially just a status update as  
21 to their program implementation and the overall efforts  
22 to make sure that they are progressing forward to  
23 achieve the mandates.

24 BOARD MEMBER PAPARIAN: Right. And it gives  
25 us, I mean it gives us an opportunity to catch anything

1 that we have any serious questions about before they,  
2 before they get into the goal year reporting.

3 And then, presumably, though, the goal year  
4 reporting, is the intention to have that a similar  
5 process, or a process more like the local government's  
6 goal year reporting?

7 MR. SCHIAVO: Well, that would ultimately be  
8 determined by the Board. We would bring forward to you  
9 a process, and then have you approve whatever that  
10 process, you know, whatever you want it to look like at  
11 that time.

12 But we're about a year, you know, about a year  
13 away from that now, so --

14 BOARD MEMBER PAPARIAN: Yeah. My inclination  
15 would be to have a little extra scrutiny on the goal  
16 year reports so that we're not in a situation where  
17 we're requiring a certain level of scrutiny and approval  
18 of local government goal year reports, and then a  
19 different process, you know, a more streamlined process  
20 for state agencies.

21 I don't want to be in a situation where we're  
22 giving some sort of preferential treatment to state  
23 agencies because they're state agencies.

24 BOARD CHAIR MOULTON-PATTERSON: Oh, yeah, I  
25 certainly agree.

1 Any other comments?

2 BOARD MEMBER MEDINA: Madam Chair.

3 BOARD CHAIR MOULTON-PATTERSON: Mr. Medina.

4 BOARD MEMBER MEDINA: My question has to do  
5 with over what period of time have the 128 annual  
6 reports been completed? For example, one was the first  
7 reports done and then the 128th report completed?

8 MR. O'SHAUGHNESSY: The first annual report  
9 that staff completed was probably about a month after  
10 they were received. And then the 128th one would have  
11 been submitted to me yesterday for my review for, you  
12 know, completion of consistency from the staff review  
13 standpoint.

14 And, you know, that's why we are, we're  
15 preparing the listing to come through Mark Leary to  
16 yourselves following the original process, similar to  
17 that of the annual report approval that was, or the  
18 annual, the plan approval process that was implemented  
19 originally.

20 BOARD MEMBER MEDINA: So when you say a month  
21 after the first report was received, what month would  
22 that be?

23 MR. O'SHAUGHNESSY: They were due April, so  
24 approximately May.

25 BOARD MEMBER MEDINA: And we're currently, as I

1 can see, one-third of the way through the reports?

2 MR. O'SHAUGHNESSY: That is correct.

3 BOARD MEMBER MEDINA: When do you see the final  
4 report being completed? Of the 394 that have been  
5 received, when do you see the final report having been  
6 reviewed and completed?

7 MR. O'SHAUGHNESSY: Staff is diligently working  
8 to achieve total review, hopefully by November, so that  
9 we're able to have everything up to date in the system  
10 so that the electronic annual report process for 25  
11 percent, or the April 1st, 2003, annual report will be  
12 completely up to date. So everyone going into the  
13 system will be able to adequately and accurately report  
14 their status for the 25 percent achievement.

15 A lot of it is coming from the response of the  
16 state agencies, and their lack of response, that kind of  
17 slows staff down, but we are pushing hard.

18 Again, from the update standpoint, we had three  
19 additional state agencies turn in their annual reports  
20 from the committee meetings so, you know, that was just  
21 a couple of weeks ago. Four additional plans or annual  
22 reports were received, and that's from staff work  
23 working with them to, you know, request and get full  
24 compliance. But we are working both sides to hopefully  
25 achieve everything by November, that's what our goal is.

1 MR. SCHIAVO: Yeah. I would, you know,  
2 realistically I would think by the end of the calendar  
3 year because some of this gets out of our control  
4 because there's give and take in trying to clarify  
5 questions.

6 And some jurisdictions, like Trevor just  
7 mentioned, drag their feet, and there's not much we can  
8 do on some of those. We go back and forth, and it's  
9 usually a little bit longer than we planned. So  
10 probably by the end of the calendar year.

11 BOARD MEMBER MEDINA: Are the uniforms pretty  
12 much -- I mean are the reports pretty much uniform or do  
13 they vary in terms of the content, form?

14 MR. O'SHAUGHNESSY: They're very uniform.  
15 Through the assistance of the Information Management  
16 Branch here at the Waste Management Board we've  
17 developed an electronic reporting process of which to  
18 date we've had one hundred percent use.

19 So therefore it's very uniform data, we're able  
20 to generate reports as necessary directly from that.

21 In addition to that, it does expedite staff's  
22 review.

23 The biggest portion or hurdle that we're  
24 overcome is that the trainings and implementation of the  
25 program started in the year 2000, we're in the calendar

1 year of 2002, and state service being what it is,  
2 there's been a lot of turnover. So we're constantly  
3 retraining individuals.

4 And at this point the annual reports were due  
5 in April, and since that point alone there's been  
6 attrition as well as replacement, so we're talking to  
7 individuals that never even filled out the annual  
8 report, and they're trying to find the backing  
9 information to answer or to respond to staff questions.

10 MR. SCHIAVO: The one other thing is, again,  
11 the format is exactly the same for all state agencies;  
12 however, the results that we receive could be disparate.

13 We may be receiving information from, let's say  
14 community colleges, for instance. The results that we  
15 see from these community colleges could be quite a bit  
16 different, and then we would have to go out and we'd  
17 want to clarify, you know, the reasons for the  
18 differences. And that's part of this whole process with  
19 the State Controller's Office as well so that we can see  
20 a little bit more consistency.

21 BOARD MEMBER MEDINA: So not all reports  
22 require the same amount of time?

23 MR. SCHIAVO: The time and the content would  
24 be, we'd request the same amount of information, but the  
25 results we see may be quite a bit different, and we want

1 to find out more reasons as to why the results are so  
2 different.

3 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank  
4 you. Thank you, Mr. O'Shaughnessy.

5 That brings us to our last item, item 38, which  
6 did receive committee consensus. However, San Benito  
7 County wasn't present and some questions had come up.

8 Mr. Schiavo.

9 MR. SCHIAVO: Yeah. Consideration of the  
10 application for an SB 1066 time extension by the San  
11 Benito County Integrated Waste Management Regional  
12 Agency in San Benito County.

13 There were several questions that were posed by  
14 Board members, and it was thought to put this over to  
15 the Board meeting because a representative from San  
16 Benito was unavailable due to illness.

17 So she's here today, and Terri Edwards will go  
18 ahead and start off with a brief presentation of the  
19 item.

20 MS. EDWARDS: Good afternoon, Madam Chair and  
21 Board members. The San Benito County Integrated Waste  
22 Management Board Regional -- I mean Integrated Waste  
23 Management Regional Agency has requested an extension  
24 through July 1st, 2004.

25 The specific reasons the regional agency needs



1 a time extension are as follows:

2           The San Benito County Integrated Waste  
3 Management Regional Agency requires more time to meet  
4 the 50 percent diversion goal due to changes and delays  
5 in the expansion of SRRE selected programs as a direct  
6 result of having an inaccurate base year which had  
7 produced a falsely high diversion rate.

8           The additional time is also necessary to  
9 resolve issues surrounding contractual relationships for  
10 refuse collection and landfill operation.

11           As the refuse collection contracts for the  
12 jurisdictions within the regional agency have expired or  
13 are about to expire, changes are being made to these  
14 contracts to reflect pay as you throw program practices.

15           The County of San Benito anticipates either  
16 contractual resolution with the landfill operator or  
17 potential change in the landfill operator.

18           The programs listed in the plan of correction  
19 are on page 38-3 of your binder. Some of the major  
20 programs are:

- 21           Residential curbside collection.
- 22           Residential curbside collection of green waste.
- 23           Construction and demolition diversion.
- 24           Commercial on-site collection.
- 25           And green and wood waste grinding and mulching.

1           Additionally, a couple of questions were raised  
2 at the committee meeting regarding the jurisdiction's  
3 time extension.

4           With respect to the residential curbside  
5 recycling contracts, the county implemented a pay as you  
6 throw refuse collection program in 2002.

7           The city of Hollister will initiate  
8 implementation of its pay as you throw refuse collection  
9 program in November, 2002.

10          And the city of San Juan Bautista will be  
11 implementing its pay as you throw refuse collection  
12 program in July of 2003.

13          Board staff have reviewed the updated contracts  
14 to date, and were able to confirm that the pay as you  
15 throw provisions were included.

16          The regional agency's plan of correction  
17 identifies an additional two percentage points of  
18 diversion from this activity, which appears to be  
19 reasonable.

20          The county is already seeing a diversion  
21 increase as a result of implementing pay as you throw  
22 principles in the county, and anticipate seeing this  
23 trend continue with the adoption of a revised contract  
24 from Hollister, and full implementation of this program  
25 at San Juan Bautista.

1           Another question raised was the regional  
2 agency's proposed expansion of their special waste, wood  
3 waste materials program.

4           In a 1999 statewide study, it was found that a  
5 little over half of the regional agency's waste comes  
6 from organics. The non-residential percentage of this  
7 area is 70 percent with a large industry base.

8           Given this, it seems reasonable to expect that  
9 expansion of this program has the potential to generate  
10 a considerable amount of diversion for the area. This  
11 is a very good program for the regional agency to target  
12 for additional diversion. This program should be fully  
13 implemented by June, 2003.

14           The majority of the proposed programs are  
15 scheduled for completion by December, 2003. The time  
16 extension date of July 1st, 2004 will allow the  
17 jurisdiction to see some of the impacts of these  
18 programs on their diversion rate, and make adjustments  
19 to these programs as they deem necessary.

20           Board staff has determined that the information  
21 submitted in the application is adequately documented.

22           Based on this information, Board staff is  
23 recommending that the Board approve the time extension  
24 request for the regional agency.

25           Mandy Rose, the program director from the

1 regional agency, is present to answer any questions.

2 This concludes my presentation.

3 BOARD CHAIR MOULTON-PATTERSON: Thank you very  
4 much.

5 Did you have a question?

6 BOARD MEMBER JONES: Yes.

7 BOARD MEMBER ROBERTI: Madam Chair.

8 BOARD MEMBER JONES: Oh, go ahead. Go ahead.

9 BOARD CHAIR MOULTON-PATTERSON: You sure?

10 BOARD MEMBER JONES: He can ask it.

11 BOARD CHAIR MOULTON-PATTERSON: Senator  
12 Roberti.

13 I thought you wanted to make a motion?

14 BOARD MEMBER JONES: Just a question and I'll  
15 let you make a motion.

16 BOARD CHAIR MOULTON-PATTERSON: Okay, we'll  
17 have just a quick question.

18 BOARD MEMBER EATON: We want to keep you around  
19 a little bit longer.

20 BOARD MEMBER JONES: Yeah, we don't want you  
21 leaving, you know, I mean --

22 This attachment that I see in my Board packet,  
23 it's attachment one revised, it's a June 20th letter,  
24 memo, that really, I don't know if this was in our  
25 committee, was this in our committee agenda packet or is

1 this something new? I don't remember.

2 MR. SCHIAVO: It was revised so I'm not sure if  
3 it was in there or not, I can't remember.

4 BOARD MEMBER JONES: Because what it does is it  
5 talks about, it does a very, very good job under SB 1066  
6 of listing each program and whether it's expanded or new  
7 and then what their percentage --

8 MR. SCHIAVO: Oh, yeah, that was, that was  
9 actually included. I thought you meant the first part  
10 of it.

11 MS. EDWARDS: Yes.

12 BOARD MEMBER JONES: Okay. Cause there were a  
13 couple of things. Is it -- it's my understanding that  
14 the pay as you throw that they're talking about for  
15 actual garbage, they think, how much do they think  
16 they're going to be able to save? Is that the two --  
17 well it's not two percent because that's the current,  
18 that's the residential curbside. Cause really the pay  
19 as you throw deals with the solid waste at the curb.

20 Have they determined any diversion that they  
21 think they may be able to get just from that program?  
22 Or is that like the basis for a whole lot of other  
23 pieces?

24 MS. EDWARDS: I think that the jurisdiction  
25 representative would like to speak to that.

1 MS. ROSE: Good afternoon. I'm Many Rose from  
2 San Benito County Integrated Waste Management Regional  
3 Agency.

4 And forgive me, Board member Jones, could you  
5 repeat the question so I make sure I zero in on --

6 BOARD MEMBER JONES: In your application which  
7 I think is a pretty good one that talks about,  
8 describing each of the programs and what you think, you  
9 know, whether or not it's a new or expanded program,  
10 when do you think it's going to be completed, and what  
11 you estimate this program enhancement is going to do,  
12 you know, for diversion, your pay as you throw system  
13 has got a lot to do with this request or it seemed to be  
14 an awful lot when it came to our committee.

15 Those contracts evidently have been signed and  
16 that process has started in Hollister and will start in  
17 the other city pretty quickly, is that --

18 MS. ROSE: It started in January in the  
19 unincorporated county, and will start in the city of  
20 Hollister sometime November and December, and then in  
21 San Juan the following six months.

22 BOARD MEMBER JONES: Okay. And how much do you  
23 estimate that is going to have an impact on your overall  
24 diversion?

25 MS. ROSE: I believe what we put down here is

1 the total diversion is about two percent. I mean I can  
2 tell you that since we've started in the unincorporated  
3 area of the county, we can document fourteen percent,  
4 you know, less refuse to the landfill but, you know,  
5 that's fourteen percent of the 30 percent of the  
6 residential so --

7 BOARD MEMBER JONES: Sure. Sure. So two  
8 percent overall?

9 MS. ROSE: Right. We were trying to be very  
10 conservative with these numbers.

11 BOARD MEMBER JONES: Okay. Because it was a  
12 pretty critical part, and it wasn't clear to me in that  
13 meeting if those contract had been signed or what the  
14 implementation date was going to be.

15 MS. ROSE: Sure.

16 BOARD MEMBER JONES: And we just needed to, or  
17 I needed to know that, you know, from the standpoint of  
18 trying to figure this out. That was my question.

19 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
20 Jones.

21 Mr. Eaton.

22 BOARD MEMBER EATON: And the other ones with,  
23 the contracts with the hauler are in place. That was  
24 the other open-ended question with regard to pay as you  
25 go and making it mandatory, there were some issues

1 whether or not they were signed and were going to be  
2 implemented.

3 MS. ROSE: Does there need to be some  
4 clarification between residential and commercial? I  
5 need to know because, again, the contracts for the  
6 unincorporated area of the county were signed this last  
7 December, the program implementation began in January of  
8 this year. The city of Hollister is negotiating a  
9 public hearing, that will take place September 3rd.  
10 They expect implementation to begin in November or  
11 December of this year.

12 BOARD MEMBER EATON: So that one is still not  
13 completely signed off?

14 MS. ROSE: Correct.

15 BOARD MEMBER EATON: So we're trying to get  
16 just what the status was for purposes of what we wanted  
17 to maybe be included in the report and that kind of  
18 thing.

19 MS. ROSE: Right. Which is why we obtained and  
20 submitted to your staff letters from those jurisdictions  
21 indicating what they were doing.

22 BOARD MEMBER EATON: Okay. Thank you.

23 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank  
24 you, Mr. Eaton.

25 Mr. Jones.



1 BOARD MEMBER JONES: Quick follow-up -- sorry,  
2 quick follow-up, Madam Chair.

3 So when those contracts are done, just as  
4 information you'll pass that onto your local assistance  
5 person and they'll, she'll be able to pass it onto us.

6 MS. ROSE: Absolutely.

7 BOARD MEMBER JONES: What we try to do on this  
8 SB 1066 is to make sure that you don't get out there so  
9 far that you're left without options. And if we know  
10 about it we can do anything we can to help.

11 MS. ROSE: Yeah. And if I may add, staff has  
12 been great about assisting us in that direction. We  
13 initially asked for three years because we thought, "Oh,  
14 my God, how are we ever going to make it?"

15 And they said, no, no, no, you don't want to do  
16 that, you know, take the shorter period of time because  
17 if you need help we can be there to help you.

18 BOARD MEMBER JONES: Great, thank you.

19 Thanks, Madam Chair.

20 BOARD CHAIR MOULTON-PATTERSON: Mr. Paparian.

21 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

22 One of the things I noticed here, Mandy, is  
23 that you're at 32 percent now. When you add up all your  
24 numbers it's another eighteen percent, gets you right to  
25 50 percent.

1           Looking at the numbers, some of it may be  
2 conservative, hopefully they're conservative, because if  
3 you miss on any you come out below 50 percent.

4           MS. ROSE: Right.

5           BOARD MEMBER PAPARIAN: So my message for you  
6 to take back as that at least one Board member was  
7 concerned that your numbers add up to, right to 50  
8 percent, so that you are going to need to be aggressive  
9 on all these things in order to be successful and make  
10 it to the 50 percent.

11          MS. ROSE: I agree. And I think one of the  
12 things we learned through our base year process is that  
13 a lot of our diversion is pre-1990, so we are concerned  
14 about making 50 percent.

15          BOARD CHAIR MOULTON-PATTERSON: Thank you.  
16          Senator Roberti.

17          BOARD MEMBER ROBERTI: Madam Chair, as my  
18 parting shot to the Board I would like to move 2002 --  
19 Resolution 2002-438.

20          BOARD MEMBER MEDINA: Second.

21          BOARD MEMBER JONES: Second.

22          BOARD CHAIR MOULTON-PATTERSON: Okay. We have  
23 a motion by Senator Roberti to approve Resolution  
24 2002-438, it was seconded by Mr. Jones and Mr. Medina,  
25 and I imagine the whole Board.

1 Please call the roll.

2 BOARD SECRETARY VILLA: Eaton?

3 BOARD MEMBER EATON: Aye.

4 BOARD SECRETARY VILLA: Jones?

5 BOARD MEMBER JONES: Aye.

6 BOARD SECRETARY VILLA: Medina?

7 BOARD CHAIR MEDINA: Aye.

8 BOARD SECRETARY VILLA: Paparian?

9 BOARD MEMBER PAPARIAN: Aye.

10 BOARD SECRETARY VILLA: Roberti?

11 BOARD MEMBER ROBERTI: Aye.

12 BOARD SECRETARY VILLA: Moulton-Patterson?

13 BOARD CHAIR MOULTON-PATTERSON: Aye. Time

14 extension approved. Thank you.

15 MS. ROSE: Thank you.

16 BOARD CHAIR MOULTON-PATTERSON: I'd like to

17 remind the Board that we do have closed session tomorrow

18 at 10:30. I believe we'll let you know by e-mail where

19 it will be, which room it will be in.

20 BOARD MEMBER ROBERTI: At what time?

21 BOARD CHAIR MOULTON-PATTERSON: At 10:30

22 tomorrow.

23 And also I just want to wish Bonnie Bruce happy

24 anniversary on her 36th anniversary. This is the second

25 year running she's had to spend it with us.

1 (APPLAUSE.)

2 BOARD CHAIR MOULTON-PATTERSON: And this part  
3 of the meeting is adjourned, we'll have closed session  
4 tomorrow.

5 (Thereupon the foregoing was concluded  
6 at 3:50 p.m.)

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